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Rule of Power or Rule of Law? *U.S. Compliance with Security-Related Treaties*



NGO COALITION FOR THE INTERNATIONAL CRIMINAL COURT

Delegates and representatives of non-governmental organizations applaud as the Rome Statute of the International Criminal Court entered into force on July 1, 2002. The signs spell out "Women welcome the ICC." The ICC is the world's first permanent criminal court. Despite being a signatory, the United States now opposes the ICC.

BY NICOLE DELLER¹

The United States can be credited as one of the founders of the modern system of international law. It led the formation of the United Nations and played a key role in the drafting and development of international human rights instruments and institutions of international justice.

Nevertheless, many of the efforts to involve the United States in international legal systems were tempered by the Senate and other influential members of government who believed that U.S. interests were better served without the encumbrances of international laws. International legal obligations were perceived as impinging on U.S. sovereignty and restraining the country's ability to act in its own interest. That philosophy was manifested in the U.S. refusal to join League of Nations, the precursor to the United Nations. It also helps to explain why the United States has not adopted or has made significant reservations to many human rights treaties.

Opposition to international engagement has fluctuated over the years, but increasingly, influential policymakers are resistant to the idea of formalized arrangements with other countries, particularly the treaty-based international legal system that governs global security. As a result, the United States has rejected or undermined treaties that were widely embraced by the international community and would work

SEE **RULE** ON PAGE 2
ENDNOTES, PAGE 11

Undermining Nuclear Security Agreements¹

BY JOHN BURROUGHS² AND ARJUN MAKHIJANI

The Nuclear Nonproliferation Treaty (NPT) was signed in 1968 and entered into force in 1970. Its initial duration was 25 years. In 1995 it was extended indefinitely. While the NPT contained a relatively vague promise by the nuclear weapon states parties to negotiate for nuclear disarmament in "good faith," a number of recent legal, political, and diplomatic milestones have converted that promise into a specific set of commitments to be carried out. The overall goal to which the nuclear weapons states have committed themselves is to achieve nuclear disarmament "in all its aspects" — a term used by the International Court of Justice to describe the obligation of the nuclear weapons states and all states in this regard.³

A conversion of a vague promise into specific commitments has occurred since the end of the Cold War, though recent events have left those commitments in considerable jeopardy. During the 1995 NPT Review and Extension Conference, the nuclear weapons states wanted an indefinite extension of the treaty. The other parties agreed to that provided that nuclear weapons states committed to a set of "Principles and Objectives for Nuclear Nonproliferation and Disarmament" that included:

I N S I D E	
Nuclear Weapons and Non-Proliferation: The Russian Perspective	3
Treaty Overview: A Summary of U.S. Compliance with Nine Security-Related Treaties	8
Atomic Puzzler	15

SEE **SECURITY AGREEMENTS** ON PAGE 12
ENDNOTES, PAGE 14

RULE

FROM PAGE 1

to enhance global security. These include the Anti-Ballistic Missile Treaty, the Comprehensive Test Ban Treaty, the Treaty to Ban Landmines, the International Criminal Court, a verification protocol for the Biological Weapons Convention, and the Kyoto Protocol. Moreover, the United States is not complying with obligations of several other significant global security treaties, namely the Chemical Weapons Convention, the UN Framework Convention on Climate Change, the Nuclear Nonproliferation Treaty, and possibly the Biological Weapons Convention. The table on pages 8 and 9 summarizes U.S. compliance with these treaties.

In the current environment where groups of individuals are capable of wreaking the type of destruction once thought reserved for superpowers, global security cannot be addressed by agreements

The view of international security must also consider how U.S. actions threaten the security of the people of the United States and the world, especially because the United States sets a powerful example for other states and non-state groups.

among states to merely reduce or abstain from using their weapons. Global security requires monitoring access to materials that could create mass destruction. A strengthened system to bring violators to justice is also required, a need that will be met in part by the International Criminal Court. Moreover, the view of international security must also consider how U.S. actions threaten the security of the people of the United States and the world, especially because the United States sets a powerful example for other states and non-state groups. It is within this broader context that recent U.S. behavior toward treaties must be examined.

Treaties guarding against weapons of mass destruction

The Nuclear Nonproliferation Treaty (NPT) is crucial to global security because it bars the spread of nuclear weapons. Yet U.S. policies, including those outlined in the Nuclear Posture Review, are in violation of the basic NPT obligation to work toward nuclear disarmament. U.S. compliance with the NPT is discussed in the article on page 1.

The Biological Weapons Convention (BWC) is also a potential tool to prevent the spread of weapons of mass destruction. The BWC, ratified by the United States in 1975, prohibits states parties from developing, acquiring or retaining biological agents or toxins where they have no justification for defensive or other peaceful purposes; and it also prohibits "weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict." But the treaty lacks verification measures, such as states' declarations of facilities and programs using these agents. Without these measures, the treaty has no teeth, it cannot detect

SEE **RULE** ON PAGE 7
ENDNOTES, PAGE 11

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Nuclear Weapons and Non-Proliferation: The Russian Perspective

BY ALLA YAROSHINSKAYA, PH.D.¹

Although the Nuclear Non-Proliferation Treaty (NPT) entered into force more than 30 years ago, more nuclear weapons exist today than before the treaty's signing. Since then, India and Pakistan have declared themselves "nuclear states," adding to the five that existed in 1968. The nuclear weapons of Israel, too, are not a secret. Further, 36 other countries have nuclear power and/or research reactors, and are therefore regarded under the Comprehensive Test Ban Treaty as having the technical capability to develop nuclear weapons.

A deep stagnation still exists within the non-proliferation regime, even though the Russian Parliament (Duma) has ratified the second Strategic Arms Reduction Treaty (START II) and the Comprehensive Test Ban Treaty (CTBT), and Presidents Bush and Putin recently signed the Strategic Offensive Reductions Treaty (SORT) to reduce their nuclear arsenals to no more than 2,200 warheads over the next 10 years. Russia withdrew from START II in June 2002, after the United States officially abrogated the Anti-Ballistic Missile Treaty.

SORT has not yet been ratified by the U.S. Senate or the Russian Duma. One of the main obstacles to a nuclear weapon-free world is the position of the U.S. administration on nuclear weapons development.

There are two main problems for Russia concerning nuclear disarmament: (1) Expansion of the North Atlantic Treaty Organization (NATO) to the Russian border, and (2) the proposed U.S. National Missile Defense system and other new nuclear initiatives, which appeared in parts of the U.S. Nuclear Posture Review made public in 2002.

NATO Expansion

After the dissolution of the Soviet Union, a new geopolitical situation was established for Russia and the world. The balance of power between the USSR and the United States was destroyed. With one of the superpowers dissolved and the international scales unbalanced sharply to one side, many consequences emerged: political, ideological, economic, military, sociological, etc. I will limit my analysis to the nuclear consequences in order to explain the Russian perspective on nuclear disarmament and so-called nuclear deterrence.

In September 1991, U.S. President George H. W. Bush spoke about reducing all nuclear weapons, including tactical nuclear weapons from U.S. overseas bases. In October 1991 Soviet President Mikhail Gorbachev shook the world with a statement that Russia would withdraw its tactical nuclear weapons from the territories of non-nuclear states.² Russia withdrew its weapons from the former socialist Eastern Bloc countries and also from Ukraine, Belarus and Kazakhstan. The world greeted that action positively, but collectively failed to notice the hundreds of U.S. nuclear weapons that remained in Europe.³ (About 150 U.S. nuclear weapons remain in Europe today.⁴)

Then came the expansion of the nuclear and political bloc of NATO to the East. Experts in Russia described NATO expansion as treacherous. When Gorbachev broke down the communist empire (specifically, the fall of the Berlin Wall, the dissolution of the Warsaw Military and Political Treaty, and the quick withdrawal of the Soviet Army from Eastern European countries), western leaders and then-President Bush not only promised that NATO would not expand, but also that NATO would change its military and political color.

But as soon as the Soviet Union broke up, they "forgot" about their promises and refused to make the changes. In an April 1999 *New York Times* op-ed, former U.S. Ambassador Jack Matlock confirmed the "forgotten" promises of U.S. and other western leaders. Gorbachev's mistake was that he trusted the West too much and did not think that a written treaty or guarantee was necessary. He wrote about his disappointment with that position in his most recent book.⁵

Of course, Russians are afraid that, together with the expansion of NATO territories, nuclear weapons will be placed in the territories of the new NATO states. Russia does not associate this military bloc with peace and justice. Recall the reaction of the West when Soviet leader Nikita Khrushchev sent Soviet nuclear weapons to the U.S. coast, creating the Cuban missile crisis of 1962: mass hysteria. Do people today think that Russians are happy to have NATO nuclear weapons near their border? Following such logic, must Russia send its nuclear weapons to, for example,

One of the main obstacles to a nuclear weapon-free world is the position of the U.S. administration on nuclear weapons development.

SEE RUSSIAN PERSPECTIVE ON PAGE 4
ENDNOTES, PAGE 6

RUSSIAN PERSPECTIVE

FROM PAGE 3

Belarus or Tajikistan or perhaps Cuba in order to establish Russian nuclear deterrence?

Some western leaders have said that NATO will not expand nuclear weapons into the territories of the new NATO countries. NATO leaders have actually promised that NATO would not expand at all.⁶ However, there are several documented examples that NATO does not intend to withdraw NATO nuclear weapons from Europe, nor abstain from adding more:

- ▶ In September 1994, a Nuclear Posture Review concluded that U.S. nuclear weapons will remain in Europe as an expression of the U.S. commitment to NATO.⁷
- ▶ In February 1995, Secretary of Defense William Perry said in a report to the President: “[T]he United States does not have a purely national deterrent posture; it extends the deterrent protection of its nuclear arsenal to its allies. A very progressive aspect of U.S. nuclear posture is that it is, in part, an international nuclear posture. The NPR [Nuclear Posture Review] strongly supports continued commitment to NATO and Pacific allies.”⁸
- ▶ In the beginning of 1995, the Head of the Joint Chiefs of Staff, General John Shalikashvili, stated before Congress that nuclear bombs will remain in Europe for the defense of the Allies.⁹
- ▶ In Summer 1995, looking over the new “candidate” countries for NATO, Secretary of Defense Perry and General Shalikashvili asked their leaders to make clear their positions on the possibility of placing nuclear weapons on their territories.¹⁰ Five countries agreed to host NATO nuclear weapons – the Czech Republic, Poland, Hungary, Bulgaria and Romania.

At the end of September 1995, the Secretary General of NATO, Willy Claes, announced that Eastern European countries that become NATO members will not be obliged to accept nuclear weapons on their territories, but the creation of a new nuclear infrastructure there can be discussed.¹¹ But why create a nuclear infrastructure if no one plans to put nuclear weapons in new NATO countries?

Do officials understand that nuclear deterrence means that the weapons placed somewhere also become targets for additional nuclear weapons? And is it really NATO’s notion that such measures will strengthen the Central and Eastern European security and help the process of nuclear disarmament? I am very afraid that this kind of nuclear deterrence in Europe would allow

the militaries to destroy each other, along with our beautiful world.

The situation changed in May 2002 when the Russia-NATO Council was formed. On one hand, Russia is now a partner with NATO’s 19 member nations on a limited range of policies and projects. Yet, the question remains why Russia agreed to this new organization while NATO continues to expand to Russia’s border. Russian officials announced they would not go to the NATO meeting in Prague next fall, at which NATO will discuss the joining of the Baltic countries to the Alliance. But NATO does not seem to be concerned about Russia’s disapproval.

Experts have different views on the world’s political situation now that Russia has joined with NATO. My personal view is that this step could possibly weaken NATO as a military organization. NATO has become too large of an empire and, like every empire, it will sooner or later fall apart.

The stagnation of progress on nuclear disarmament became

more severe after the beginning of the NATO-Yugoslavian war.¹² The last drop of cynicism was the declaration of a new concept of NATO on its 50th anniversary: The establishment of NATO’s “right” to make decisions for any country in which the Alliance does not like something. Is this the kind of democracy that post-communist societies want?

Anti-Ballistic Missile Treaty

The second problem for Russia is the position of the United States on nuclear proliferation. I am talking here primarily about the cornerstone of contemporary nuclear non-proliferation efforts — the Anti-Ballistic Missile (ABM) Treaty of 1972.

Russia opposes the U.S. plan to build a so-called National Missile Defense system and wants to maintain the ABM Treaty. In fact, President Putin and officials from the Russian Ministry of Foreign Affairs specified the “sanctions” Russia would administer in the event the United States were to withdraw from the treaty and proceed with deployment of National Missile Defense (NMD):¹³

- ▶ The Russian Federation would stop work related to the first START Treaty. (START is conditioned by the preservation and compliance with the ABM Treaty.)
- ▶ The Russian Federation would cancel ratification of START II. Russia has done this. (The United States still has not ratified START II with the Russian Duma’s addenda.)

Do people today think that
Russians are happy to have NATO
nuclear weapons near their border?

SEE RUSSIAN PERSPECTIVE ON PAGE 5
ENDNOTES, PAGE 6

RUSSIAN PERSPECTIVE

FROM PAGE 4

- ▶ The unofficial negotiations on START III would stop.
- ▶ The ongoing implementation of unilateral initiatives of 1991-1992 would be stopped and reviewed.
- ▶ Russia would withdraw from the Comprehensive Test Ban Treaty.

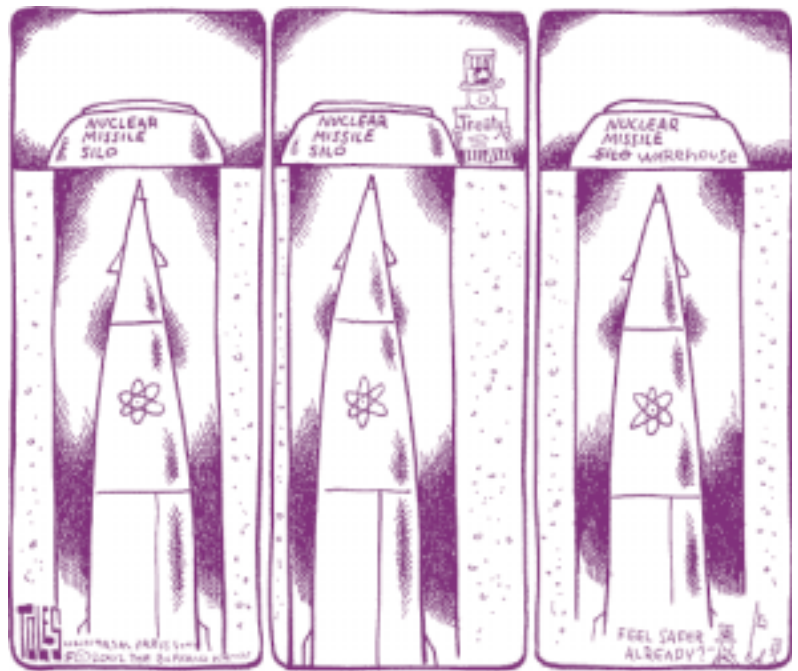
Other important international treaties on nuclear non-proliferation would have the same fate. These “sanctions” were declared after the U.S. administration first announced its wish to abrogate the ABM Treaty, approximately two years ago. What now?

On June 13, 2002, the United States officially abrogated the ABM Treaty. The treaty no longer exists. Nevertheless, Russia understands that U.S. withdrawal from the ABM treaty will raise new nuclear proliferation and armament concerns around the world. It pushes the world one step closer to the brink of nuclear war.

In order to make the destruction of the ABM Treaty less painful for Russia and for the world, the United States is trying to sweeten this bitter pill by agreeing to the Russian president’s proposal to reduce some part of the strategic nuclear arsenals of both countries. Russia offered to reduce to 1,500 nuclear weapons on each side, but the United States agreed to cut nuclear weapons only to between 1,700 and 2,200 strategic nuclear warheads. This was the main subject for negotiation prior to the Putin-Bush Summit May 23-26, 2002, in Moscow. Russia agreed with the U.S. position and a new treaty was signed reflecting the U.S. position. Despite initial U.S. disdain for a formal treaty, it eventually agreed to one.

During the negotiations, Russia proposed to limit the size and deployment readiness of warheads removed from delivery systems and called for their complete dismantlement. But the United States would not agree. Instead, Washington is planning to store, rather than eliminate, warheads removed from their delivery systems. Another disappointment is that the treaty allows each side to carry out the reductions at its own pace, or even reverse them and temporarily build up its forces, until 2012 when the treaty expires. Additionally, the treaty fails to address tactical nuclear weapons.

The new treaty looks more like a public relations piece than a serious document.



The Strategic Offensive Reductions Treaty, signed by Presidents Bush and Putin on May 24, 2002, requires the United States and Russia to limit so-called strategic nuclear warheads (the term is not defined) to 1,700 to 2,200 by 2012. However, the treaty does not require destruction of delivery systems or dismantlement of warheads. Washington instead plans to put excess warheads in storage.

The new treaty looks more like a public relations piece than a serious document. It is a political treaty for the United States and an economic treaty for Russia. Both countries are attempting to save face in front of the world.

U.S. Nuclear Posture Review

After portions of the U.S. Nuclear Posture Review (NPR) were made public in March 2002, the Russian Minister of Defense Sergei Ivanov had announced that Russia might revise its own position in preparation for the May 2002 Moscow Summit and also will not destroy at least some parts of the dismantled nuclear warheads.¹⁴ Nonetheless, partly as a result of its financial situation, Russia continues to restructure its strategic nuclear arsenal, and it seems that in the near future Russia’s nuclear arsenal will be reduced threefold.

This situation is reminiscent of an historic parallel. When U.S. President Ronald Reagan wanted to build a nuclear umbrella (so-called Star Wars), Gorbachev proposed on January 15, 1986, that both countries instead dismantle all their nuclear weapons. But Reagan did not agree to it.¹⁵ One of the most important opportunities to protect the planet from nuclear war was lost. Another was when the USSR was dissolved; Presidents Bush and Gorbachev could have decided to eliminate their countries’ nuclear arsenals. Although the situation with nuclear non-

SEE **RUSSIAN PERSPECTIVE** ON PAGE 6
ENDNOTES, PAGE 6

RUSSIAN PERSPECTIVE

FROM PAGE 5

proliferation is complicated, I think we have a third opportunity now, despite the weak new treaty.

Russia, replying to new challenges in the NPR and to the changed geopolitical situation after September 11, may revise its own future military plans.¹⁶ Russia is concerned about an expansion of NATO and U.S. military into territories of the former Soviet Asian and Caucasus republics. For example, Uzbekistan and Georgia have already announced that they are strategic U.S. and NATO partners and U.S. military bases have already been established there. Turkey prepared an airport according to NATO military standards in

The Bush administration claims its Nuclear Posture Review is directed against so-called rogue nations, but geopolitically it will also provide the United States with the capability to control Russian territory.

Marneuli, Georgia, which can handle many types of aircraft, including heavy bombers. According to Russian military experts, the airport restructuring may be related to the U.S. NMD system and may be used as a place to deploy anti-missile laser weapons systems.¹⁷ These kinds of laser weapons already exist in the United States.

The Bush administration claims its NPR is directed against so-called rogue nations, but geopolitically it will also provide the United States with the capability to control Russian territory. If the U.S. deploys a Boeing-747 with laser weapons on the territories of Georgia, Kyrgyzstan, Kazakhstan or Afghanistan, it will be able to control not only Iran, Pakistan and parts of India, but also parts of China and Russia.

Do U.S. and NATO leaders think that these countries will agree to such a situation near their border? It is clear that such developments will give the countries a serious reason to take steps to defend themselves. It is likely to inspire them to develop and build new weapons, possibly including nuclear weapons.

The U.S. NMD system also gives China a new incentive to build more nuclear weapons. Today, China has about 20 nuclear weapons that can reach the United States. Who believes China will agree to the U.S. NMD plans to cover Taiwan and Japan with a nuclear "umbrella"?

Most Russian people do not wish to spend money for new weapons of mass destruction. They wish to build a new, peaceful life after years of the Communists' totalitarian regime and many years of transition period chaos. Russia wishes to build its civil economy,

not its military industry. But the deployment of the space-based U.S. NMD and statements in the Nuclear Posture Review will provoke Russia to build new nuclear weapons.

I have discussed possible consequences of new U.S. nuclear initiatives to world peace from the Russian perspective only. But the U.S. NMD system and Nuclear Posture Review, along with NATO expansion, threaten the whole world order. Every country will pay their own political and economic price for that nuclear apartheid.

Nuclear threats and nuclear weapons are the last argument of the weak, the stressed, and the irresponsible. People must act very quickly to stop the move toward nuclear war.

.f.

1 Dr. Yaroshinskaya is President of Ecological Center (Moscow), an expert on nuclear nonproliferation, and a former Advisor to Russian President Boris Yeltsin. This editorial is based on her presentation at the IEER conference, *Nuclear Dangers and the State of Security Treaties*, held 9 April 2002 in New York. The transcript is available online at www.ieer.org/latest/npt02ay.html.

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10 "Yaderniy Control" #14, Moscow, 1996.

11 Ibid.

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13 Ambassador Yuriy Kapralov, Russian Ministry of Foreign Affairs. Report at Forum "The Missile Threat and Plans for Ballistic MD, Impact on Global Security," Rome, 18-19 January 2001.

14 www.Lenta.ru, 15 March 2002. In the NPR, Russia was indicated as a potential enemy along with other countries; excerpts on-line at www.globalsecurity.org.

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RULE

FROM PAGE 2

violations or deter would-be violators, and it does little to help countries share information.

Over a seven-year period, states parties to the BWC negotiated a protocol to install a declaration and verification regime for monitoring states' use of biological agents. The United States rejected the draft protocol, and halted efforts to create any internationally binding agreement, arguing for voluntary measures instead. The resistance to legal measures to strengthen the BWC seems inconsistent for a country that was the target of an anthrax attack less than a year ago.

Meanwhile, U.S. biodefense programs may have exceeded the limit of activity permitted under the Convention. As part of its biodefense program, the United States secretly constructed a model bio-bomb and weaponized anthrax. These activities may be seen as violating the BWC because, although their stated purpose is defensive, the BWC does not permit the production of weapons. These and other biodefense activities have been carried out in secret, and so U.S. treaty partners have not been able to assess its compliance. It is detrimental to the BWC for the United States to keep its own activities in the dark while simultaneously attempting to verify that other states are complying with the BWC.

Another treaty safeguarding against weapons of mass destruction is the Chemical Weapons Convention (CWC). The CWC, ratified by the United States in 1997, bans the development, acquisition, transfer or use of chemical weapons, and obligates states parties to declare relevant chemicals and production facilities. These declared chemicals and facilities are subject to routine inspections, and states may also request a challenge inspection of another state party's facility if they suspect non-compliance.

In legislation to implement the treaty, the United States imposed restrictions on several treaty terms relating to inspections. These include restricting extensive sampling and conferring on the President the right to refuse inspections on the grounds of national security. The CWC does not permit these limitations, and already contains thorough safeguards for the protection of confidential information. These limitations may prevent accurate inspection results. Moreover, other countries, for example India and Russia, have begun to impose similar limitations on their inspections.

Climate Change — the Emerging Security Threat

Scientific evidence about global climate change now overwhelmingly supports the belief that rapidly occurring climate change is in large part due to anthropogenic emissions of greenhouse gases, with carbon dioxide being responsible for about fifty percent of the total emissions. The Bush administration recently reported to the United Nations that the burning of fossil fuels is primarily responsible for recent global warming and notes that substantial environmental changes are very likely to occur in the coming decades.² Drastic climate change may have significant ramifications on global security, for instance, millions or even tens of millions of people could become refugees because of flooding or changing food production patterns, thus the need to reduce emissions is all the more urgent.

As a party to the UN Framework Convention on Climate Change (UNFCCC), the United States is obligated to take "precautionary measures to anticipate, prevent or minimize the causes of climate change." The 1997 Kyoto Protocol, which arose out of the UNFCCC, set binding greenhouse gas emissions targets for developed countries, which have higher per person emissions and are therefore obligated under the UNFCCC to take action first. The United States, which is responsible for roughly one quarter of global greenhouse gas emissions, signed the Kyoto Protocol, but refuses to ratify it, largely because of the separate treatment for developed and developing countries. Most other countries that were required to limit emissions by the Kyoto Protocol have agreed to move forward with emissions limits without the United States.

Regardless of whether the United States joins the Kyoto Protocol, the obligation under the UNFCCC to take action to reduce climate change still exists, and is not being met. The Bush administration, in a recent UNFCCC report, conceded to the impact of climate change, yet the administration's policies focus more on the "challenge of adaptation"³ than on mitigation. The administration endorses largely voluntary measures, and the climate change plan in place is aimed only at reducing greenhouse gas "intensity" of the U.S. economy. This plan would reduce emissions per unit of economic output, but the target for the reduction in intensity is so low that total emissions would still continue to grow. Thus, the United States not only

It is detrimental to the Biological Weapons Convention for the United States to keep its own activities in the dark while simultaneously attempting to verify that other states are complying with the treaty.

SEE **RULE** ON PAGE 10
ENDNOTES, PAGE 11

TREATY OVERVIEW: A Summary of U.S. Compliance with Nine Security-Related Treaties

COMPILED BY NICOLE DELLER

Treaty	Status of U.S. Membership	Key Terms	Status of U.S. Compliance
Nuclear Non-proliferation Treaty (NPT)	Ratified March 5, 1970	The NPT permits two categories of member states: non-nuclear weapon states that are prohibited from acquiring, manufacturing or transferring nuclear weapons (Articles I and II), and nuclear weapon states, which agree 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” (Article VI).	Current U.S. policy does not comply with its disarmament obligation, as it has been interpreted. According to the 2002 Nuclear Posture Review, the United States plans for maintenance of large and modernized nuclear forces for the indefinite future and for expansion of options for use of nuclear weapons. The recent U.S.-Russian treaty is also insufficient because its reductions of warheads are not irreversible.
Anti-Ballistic Missile (ABM) Treaty	Ratified in 1972; membership terminated June 13, 2002	An ABM system is “a system to counter strategic ballistic missiles or their elements in flight trajectory.” The parties agreed to limit ABM systems to one missile defense site each (originally two but modified by amendment). The treaty put limits on technological development to preserve the strategic balance between the United States and the Soviet Union/Russia.	The United States withdrew from the Treaty to pursue construction of missile defense systems. Withdrawal was considered premature because work on missile defenses would not have violated the treaty until far in the future, unnecessary because Russia was willing to consider amending the treaty, and potentially dangerous, in part because it sets a precedent for unilateral withdrawal from security treaties.
Biological Weapons Convention (BWC)	Ratified March 26, 1975	State parties are prohibited from developing producing, stockpiling, acquiring or retaining: (1) Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; (2) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.	After a 7-year effort by BWC parties to create a verification protocol for the BWC, the United States now opposes the process of creating any internationally binding obligations to strengthen the treaty, preferring instead voluntary measures. Also, its own secret biodefense work may have violated the BWC prohibition against making weapons.
UN Framework Convention on Climate Change (UNFCCC)	Ratified October 15, 1992	State parties, especially developed countries, are obligated to take action to prevent or mitigate climate change. Specified developed countries must take the lead in adopting national policies and taking action to curb greenhouse gas emissions.	The United States is not meeting the general obligations of the UNFCCC. In its most recent UNFCCC report it acknowledged the role that greenhouse gases play in causing climate change but focused on adaptation rather than mitigations. Its proposed emissions policy is largely voluntary and will not effectively reduce emissions.

Sources can be found in the report, *Rule of Power or the Rule of Law? An Assessment of U.S. Policies and Actions Regarding Security-Related Treaties*, available on-line via www.lcnp.org and www.ieer.org.

Treaty	Status of U.S. Membership	Key Terms	Status of U.S. Compliance
Chemical Weapons Convention (CWC)	Ratified April 25, 1997	(1) State parties agree to never develop, acquire or use chemical weapons or transfer them to anyone; (2) State parties agree to destroy existing chemical weapons production facilities and stockpiles; (3) Each state party must declare any chemical weapons facilities or stockpiles. State parties must allow routine inspections of "dual-use" chemicals and production facilities that could be used in a manner prohibited by the CWC.	The United States purports to advocate a strong CWC but has imposed some limits on inspections of its facilities that are contrary to the requirements of the treaty, including reserving the right for the President to block inspections and limiting what facilities may be inspected. Other countries have followed the U.S. example. The result is a less thorough inspection regime than was designed by the framers of the treaty (including the United States).
Comprehensive Test Ban Treaty (CTBT)	Signed September 24, 1996 but not ratified. In 1999 the Senate voted to reject ratification.	The CTBT bans all nuclear explosions, for any purpose, warlike or peaceful. In order to enter into force, the CTBT must be signed and ratified by 44 listed countries that have some form of nuclear technological capability, including the United States.	The United States, along with France, is preparing to violate the prohibition against nuclear explosions by building large laser fusion facilities with the intent of carrying out laboratory thermonuclear explosions of up to ten pounds of TNT equivalent.
Kyoto Protocol to the UNFCCC	Signed November 12, 1998	Specified countries (generally the highly industrialized states) must meet certain targets for greenhouse gas emissions by the 2008-2012 period. The overall target for the group is to reduce greenhouse gas emissions by 5%. The U.S. commitment was 7%. Developed countries can assist the rest in creating sustainable development via a "clean development mechanism." Specified industrialized countries would be allowed to meet their targets for emissions by taking actions to reduce emissions in countries not on the list.	Although the United States is responsible for ¼ of global greenhouse gases, the Bush administration opposed the Kyoto Protocol largely because it obligates developed countries to make adjustments on emissions not required for developing countries, even though the UNFCCC requires developed countries to preferentially reduce their emissions. Most other countries required to limit emissions under this treaty have agreed to abide by Kyoto Protocol targets.
International Criminal Court	Signed December 31, 2000	The ICC, which came into being on July 1, 2002, is the world's first permanent criminal court. It will try individuals for genocide, war crimes, crimes against humanity, and aggression (when that crime is defined) committed in the territories of state parties or by the nationals of state parties. The ICC will only have jurisdiction over a case if the state that has jurisdiction is unwilling or unable to prosecute.	Despite being a signatory, the United States now opposes the ICC. It notified the UN that it does not intend to ratify the statute. The problem for the United States is that its nationals might be brought before the ICC. The United States is now refusing to cooperate with the ICC and is exploring ways to achieve immunity for its citizens.
Mine Ban Treaty	Non-party	Landmines are indiscriminate weapons that kill and maim thousands of people each year and injure the environment by leaving large tracts of land unusable. The Mine Ban Treaty bans all anti-personnel landmines without exception. It requires state parties to make implementation reports to the UN, to destroy stockpiled mines within four years, and to destroy mines in the ground under state parties control within 10 years.	The United States has committed to cease using anti-personnel mines by 2006 if alternatives are identified and fielded, but this policy is currently under review. Meanwhile, the U.S. alternatives being researched may not comply with the treaty, so even if they are identified, the United States may not be able to join the treaty.

RULE

FROM PAGE 7

undermined the success of the Kyoto Protocol, its policies also fail the basic obligations of the UNFCCC because they will result in continued substantial increases in emissions of greenhouse gases and aggravation of anthropogenic climate change.

The International Criminal Court

The Rome Statute establishing the International Criminal Court (ICC) entered into force on July 1, 2002. The ICC is the world's first permanent criminal court to try individuals for specified crimes committed in the territories of states parties or by the nationals of states parties. The crimes that currently fall under ICC jurisdiction are genocide, war crimes, and crimes against humanity.⁴ The ICC will bolster global security by deterring serious international crimes, and it does not permit immunity for heads of state or any other officials. A functioning ICC will also strongly reinforce the existing taboo against use of weapons of mass destruction.

Since drafting the Rome Statute began, the United States unsuccessfully sought to make the determination of which cases would be brought to the ICC subject to the UN Security Council. Subjecting the ICC to the Security Council would have allowed the United States and the other four veto-wielding permanent members to block their citizens and those of their allies from being brought before the ICC. The United States also protested that its nationals would be subjected to politically motivated prosecutions. The ICC addresses these concerns with many procedural safeguards. For example, Court approval is required for investigations to be taken up by the ICC Prosecutor. Also, the court will only have jurisdiction when states are unwilling or unable to prosecute.

President Clinton ultimately signed the Rome Statute, but simultaneously backtracked from his endorsement, citing "fundamental concerns." Recently, the Bush Administration gave notice that it does not intend to become a party to the treaty.⁵ The United States is now free to pursue methods to undermine the court, for example, by refusing to extradite suspects to the ICC, by pursuing agreements with other countries to prohibit extradition of U.S. nationals to the ICC, and by conditioning military or financial support to states on non-participation in the ICC. Most visibly, the United States has made various attempts to acquire immunity for U.S. nationals for any UN peacekeeping operations. Instead of working within this newest form of international law to help detect and deter grave breaches of global security, the United States seeks to undermine its work. The main reason is because U.S.

nationals, like nationals of all other states, could be subject to the ICC's jurisdiction.

Treaties and global security

These actions reflect an increasing resistance to participation as an equal under the international rule of law; the United States is rejecting the traditional bargains necessary to reach cooperative agreements in favor of reliance on military defenses. Senator John Kyl, for example, argued that "a more successful and realistic strategic posture for the United States would rely less on the goodwill of bad actors than what we ourselves can control — our own defenses."⁶ This argument might have merit if most countries were habitual violators of their security treaty commitments, yet most countries do obey international law. And while there are violations, legal regimes are not abandoned because some actors do not comply.

One influential member of the Bush Administration, John Bolton, Under Secretary of State for Arms Control and International Security, has expressed his belief that international law is not really law: "There may be good and sufficient reasons to abide by the provisions of a treaty, and in most cases one would expect to do so because of the mutuality of benefits that treaties provide, but not because the United States is 'legally' obligated to do so."⁷ This desire to marginalize treaties is rooted in fear that they infringe on U.S. sovereignty and national security interests. Also, critics such as Bolton do not have confidence that treaties contain adequate mechanisms to enforce compliance by all parties.

With respect to the concern that treaties unnecessarily restrain U.S. actions, including threatening sovereignty, this argument ignores the benefits that international law, like domestic law, provides. Government is instituted among individuals to provide a means to restrain any one person or group of persons from trampling on the rights of others, and in the case of such transgression, to secure redress. In return, in a democracy, people willingly give up certain freedom of action. The balance between freedom of action and restraint is struck to increase common security. These principles of security and cooperation as governed by law apply on a global plane as they do within individual countries.

The question of enforcement of treaties is a valid concern but it is by no means a justification for non-participation. Various enforcement mechanisms are in place to address non-compliance of treaty commitments. A range of sanctions is available, including withdrawal of privileges under treaty regimes, embar-

U.S. actions reflect an increasing resistance to participation as an equal under the international rule of law.

SEE RULE ON PAGE 11
ENDNOTES, PAGE 11

RULE

FROM PAGE 10

goes, travel bans, reductions in international financial assistance or loans, and freezing of state or individual leader assets. Sanctions can be applied by individual states, groups of states, states parties to treaty regimes acting collectively, or the Security Council. Issues of non-compliance may also be taken up by the UN Security Council or the International Court of Justice.

While mechanisms to enforce treaty compliance do exist, they need to be strengthened. But in many cases, the United States and others are undermining enforcement mechanisms. The refusal to join the ICC is one example. Also, enforcement requires monitoring and detection, which in many cases means the establishment of verification and transparency arrangements. Yet the United States has attempted to exempt itself from transparency and verification arrangements in the case of the CWC. It has rejected a treaty that has strong verification provisions, namely the Comprehensive Test Ban Treaty, and refused to agree to any inspection protocol in the case of the BWC. Other states are resistant to U.S. demands for near perfect knowledge of their compliance when the U.S. shields itself from similar scrutiny.

There is a final argument underlying the U.S. opposition to treaties, and that is the implicit belief that the United States is an "honorable country" that does not need treaty limits to do the right thing. This view assumes that the U.S. actions are intrinsically right, recalling the ideology of "Manifest Destiny," and allows the United States to exercise its power accordingly. This is at odds with the very notion that the rule of law is possible in global affairs. If the rule of power rather than the rule of law becomes the norm, especially in the context of the present inequalities and injustices around the world, security is likely to be a casualty.

International security can best be achieved through coordinated local, national, regional and global actions and cooperation. Treaties like all other tools in this toolbox are imperfect instruments. Like a national law, a treaty may

If the rule of power rather than the rule of law becomes the norm, especially in the context of the present inequalities and injustices around the world, security is likely to be a casualty.

be unjust or unwise, in whole or in part. If so, it can be amended. But without a framework of multilateral agreements, the alternative is for states to decide for themselves when action is warranted in their own interests, and to proceed to act unilaterally against others when they feel aggrieved. This is a recipe for the powerful to be police, prosecutor, judge, jury, and executioner all rolled into one. It is a path that cannot but lead to the arbitrary application and enforcement of law.

For the United States, a hallmark of whose history is its role as a progenitor of the rule of law, to embark on a path of disregard of its international legal obligations is to abandon the best that its history has to offer the world. To reject the system of treaty-based international law rather than build on its many strengths is not only unwise, it is extremely dangerous. It is critical that the United States join with

other countries in making global treaties crucial instruments in meeting the security challenges of the 21st century.

- 1 Nicole Deller is a consultant to IEER and Lawyers' Committee on Nuclear Policy (LCNP) and principal editor of the report, *Rule of Power or the Rule of Law? An Assessment of U.S. Policies and Actions Regarding Security-Related Treaties*, on which this article is based. Unless otherwise noted, references can be found in the report, which is available in its entirety on the web sites of LCNP (www.lcnp.org) and IEER (www.ieer.org).
- 2 Climate Action Report 2002, on the web at <http://www.epa.gov/globalwarming/publications/car/index.html>.
- 3 Climate Action Report 2002, Chapter 6, p. 82.
- 4 Aggression will also be added as a crime once the states parties adopt a definition.
- 5 Under the laws of treaty making, signature of a treaty signifies an intent to ratify and carries an obligation not to engage in acts that would "defeat the object and purpose" of the treaty, until it makes its intention clear not to become a party to the treaty. Article 18, Vienna Convention on the Law of Treaties.
- 6 "Why the Senate Rejected the CTBT and the Implication of Its Demise," remarks of Senator John Kyl, given at the Carnegie Endowment for International Peace, June 5, 2000.
- 7 John Bolton, "Is There Really 'Law' in International Affairs," *Transnational Law and Contemporary Problems*, Vol. 10, Spring 2000.

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SECURITY AGREEMENTS

FROM PAGE 1

- ▶ negotiation of a Comprehensive Test Ban Treaty by 1996,
- ▶ “immediate commencement and early conclusion of negotiation” of a ban on production of fissile materials for nuclear weapons use, and
- ▶ systematic and progressive efforts to reduce nuclear weapons globally and eventually achieve complete nuclear disarmament.

Two major developments marked 1996. The Comprehensive Test Ban Treaty (CTBT) was opened for signature and the International Court of Justice (ICJ), the judicial branch of the United Nations, issued an advisory opinion on the legality of threat or use of nuclear weapons requested by the General Assembly. As part of this process, the ICJ unanimously provided an interpretation of Article VI of the NPT, holding that it requires states “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.” (Emphasis added.) While not expressly stated, the Court’s reasoning makes it clear that this obligation draws on sources other than the NPT and therefore applies to those few states outside the NPT, including the nuclear weapon possessing states of India, Pakistan, and Israel.

At the 2000 NPT Review Conference, the New Agenda group of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden took the lead in seeking to reverse the negative developments and to press for specific disarmament commitments. By the end of the conference, the New Agenda group and the nuclear weapon states were engaged in separate negotiations that formed the basis for the outcome — the conference’s Final Document on 13 “practical steps for the systematic and progressive efforts” to achieve nuclear disarmament. The steps included ratification of the CTBT, adherence to the Anti-Ballistic Missile Treaty, irreversible reductions in nuclear arsenals, de-alerting of nuclear weapons, and reduced role of nuclear weapons in security policies. A key element was “an unequivocal undertaking by the nuclear-weapon states to accomplish the total elimination of their nuclear arsenals...”

Essentially, the United States now appears to have decided not to meet its nuclear disarmament obligations under the NPT, notably those that it undertook in the process of indefinite extension of the NPT in 1995 and in subsequent years, even though the compliance record of the non-nuclear parties to the NPT has, with two exceptions (Iraq and North Korea), been good. Iraq’s nuclear weapons program was discovered in the wake of the Gulf War when intensive inspections were

instituted under Security Council resolutions backed by harsh sanctions. The program was dismantled. Since 1998, the International Atomic Energy Agency (IAEA) has verified that safeguards on Iraq’s declared nuclear facilities are functioning; however, the IAEA emphasizes that this does not demonstrate compliance with the Security Council mandate. Allegations persist that Iraq has resumed its nuclear weapons program.

North Korea appears to have had a nuclear weapons program in the early 1990s, and failed to permit IAEA inspections as required under its safeguards agreement. It has still not permitted full IAEA inspections, so that the extent and current status of its program is uncertain. The United States has also alleged that Iran has a nuclear weapons program, though the IAEA has declared Iran to be in compliance with its safeguard agreement.

In the immediate aftermath of the fall of the Berlin Wall there was much progress on arms reductions. The Strategic Arms Reduction Treaty (START I) was negotiated. As of December 2001, it was fully implemented. Presidents George Bush (senior) and Mikhail Gorbachev made parallel unilateral withdrawals of tactical nuclear weapons. France and Britain have trimmed back their arsenals. CTBT negotiations were concluded in 1996, and there has been no testing by a NPT-nuclear weapon state since 1996. Yet, at present the CTBT has no prospect of entering into force due to opposition to ratification in the U.S. Senate and the Bush administration as well as the fact that India, Pakistan, and North Korea have yet to sign the treaty.

In the Nuclear Posture Review completed in January 2002, the United States announced that it will reduce “operational” strategic deployed nuclear weapons to 3,800 by 2007, and to between 1,700 and 2,200 by 2012. Reflecting the U.S. plan, the short and starkly simple Strategic Offensive Reductions Treaty signed on May 24, 2002 in Moscow (“Moscow Treaty”) requires the United States and Russia to limit “strategic nuclear warheads” (the term is not defined) to 1,700-2,200 by the year 2012. The treaty will expire that same year unless it is renewed. It also is subject to termination on three months notice, based only on the exercise of “national sovereignty”; the typical nuclear weapons treaty provision for withdrawal in case of “extraordinary events” jeopardizing a state’s “supreme interests” has been dropped.

The U.S.-Russian agreement and the two states’ announced plans are positive at least in the sense that they advance the process of agreements for nuclear weapons reductions, which paradoxically has been stalemated since the Soviet Union disintegrated in December 1991. But a force of about 2,000 deployed strategic nuclear arms for each side to remain in

SEE SECURITY AGREEMENTS ON PAGE 13
ENDNOTES, PAGE 14

SECURITY AGREEMENTS

FROM PAGE 12

arsenals 10 years hence leaves in place the capability of destroying both countries, and indeed ending life on this planet as we know it. Beyond that fundamental point, there are several serious and interrelated ways in which the reductions fall short of what is envisaged by the parties to the NPT in the year 2000. Nuclear weapon states and especially the United States and Russia are violating the commitments they made that year in the following ways:

1. The Moscow Treaty does not call for destruction of delivery systems or dismantlement of warheads, in contrast to prior arms reduction treaties and the projected START III agreement.
2. The United States plans to retain additional large numbers of warheads in a “responsive force” capable of redeployment within weeks or months.
3. The United States has made no indication that it plans to reduce the readiness level of the operationally deployed strategic arms. While the numbers of warheads on high alert are expected to gradually decline over the next ten years from about 2,000 each in the U.S. and Russia to about 900 for the United States and possibly a comparable number for Russia, there is no reason to maintain any nuclear forces on hair-trigger alert.
4. The May 2002 U.S.-Russian agreement places no limits on multiple warhead missiles or on any category whatever. That omission may prove to be destabilizing, especially in the context of the U.S. drive to develop and deploy missile defenses and its rejection of the Anti-Ballistic Missile (ABM) Treaty. U.S. missile defense deployment would push each state to maintain its strategic forces on hair-trigger alert with the consequent risk of nuclear war by miscalculation, and this effect would be magnified by Russian reliance on multiple warhead missiles.

The renewed emphasis on a role for nuclear weapons is especially troubling. In 1993, Russia abandoned its policy of renouncing the first use of nuclear weapons, and its January 2000 Security Concept stated that nuclear weapons could be used to “repulse armed aggression, if all other means of resolving the crisis have been exhausted.” This policy is still in place.

In the United States, the 2002 Nuclear Posture Review (NPR) states that nuclear weapons will be “integrated with new nonnuclear strategic capabilities,” including advanced conventional precision-guided munitions.⁴ The NPR also enlarges the range of circumstances under which nuclear weapons could be used. Russia, China, North Korea, Iraq, Iran, Syria, and Libya are named as possible nuclear targets. The

NPR also identifies possible “immediate contingencies” for U.S. nuclear use such as “an Iraqi attack on Israel or its neighbors, a North Korean attack on South Korea, or a military confrontation over the status of Taiwan.” The NPR states that nuclear weapons “could be employed against targets able to withstand nonnuclear attack,” or in retaliation for use of nuclear, biological, or chemical weapons, or “in the event of surprising military developments.”

While the NPR is not a “presidential decision directive” (the last publicly known one was signed by President Clinton in 1997), it was signed by Secretary of Defense Rumsfeld and shows a very strong trend in U.S. nuclear planning. Moreover, General John Gordon, head of the National Nuclear Security Administration in the U.S. Department of Energy, testified to a U.S. Senate committee that the Nuclear Posture Review “reaffirms that nuclear weapons, for the foreseeable future, will remain a key element of U.S. national security strategy.” Contrary to the reduced role for nuclear weapons called for by the 2000 NPT 13 steps, the United States has expanded options for nuclear use, a move condemned by the *New York Times* in an editorial entitled “America as Nuclear Rogue.”

The U.S. plans also undermine the assurances of non-use of nuclear weapons offered by the United States to non-nuclear weapon states parties to the NPT. Those political assurances were part of the bargain underlying the NPT, and arguably have become legally binding, notably because they were reiterated in connection with the indefinite extension of the NPT in 1995.

U.S. missile defense policy also runs counter to NPT commitments to the maintenance of international stability and preservation of the ABM Treaty (as part of the 2000 NPT 13 steps). The United States has withdrawn from the ABM Treaty and continues to stress the role of missile defenses in its overall military strategy. According to the Nuclear Posture Review, limited deployment of strategic missile defenses may occur by 2008.

Of the five NPT nuclear weapon states, the United States and China have yet to ratify the Comprehensive Test Ban Treaty. All five, including the United States, continue to affirm the nuclear test moratorium, but the United States is actively maintaining readiness to resume testing.⁵ The U.S. stance undermines its commitment at the NPT Review Conference in 2000 to early entry into force of the CTBT. It is important to note that the CTBT is not only a crucial agreement in itself, but that it is also essential to compliance with the “cessation of the arms race” element in Article VI of the NPT. Further, a commitment to the CTBT’s negotiation, and implicitly, its entry into force, was central to the 1995 decision to extend the NPT indefinitely.

SEE SECURITY AGREEMENTS ON PAGE 14
ENDNOTES, PAGE 14

SECURITY AGREEMENTS

FROM PAGE 13

Also significant is that the United States is making large investments in a modernized nuclear weapons maintenance, research and development infrastructure. A Department of Energy 2002 budget request for nearly \$6 billion explained that “the flexibility to sustain our enduring nuclear weapons stockpile, to adapt current weapons to new missions, or to field new weapons, if required, depends on a healthy program for stockpile stewardship ... as well as a robust infrastructure for nuclear weapons production.” The \$6 billion figure is above the average spending for comparable activities during the Cold War.

The *New York Times* reported that the NPR “cites the need to improve ‘earth-penetrating weapons’ that could be used to destroy underground installations and hardened bunkers” and calls for such weapons both with lower yields to lessen nuclear fallout and larger yields to attack deeply buried targets. According to the NPR, research was to begin in April 2002 on fitting an existing nuclear warhead into a new 5,000-pound “earth penetrating” munition. Already in 1996 the United States deployed a nuclear weapon modified to achieve an earth-penetrating capability, the B-61-mod 11. However, there has been resistance this year in the U.S. Congress to a budget request for development of a “Robust Nuclear Earth Penetrator.”

U.S. plans for long-term maintenance and modernization of its nuclear weapons infrastructure and its nuclear arsenal are contrary to the spirit of the CTBT and to NPT obligations and commitments, including the 2000 commitment to a diminishing role for nuclear weapons in security policies. There is no sign that the Article VI disarmament obligation, as it is now understood in light of its authoritative interpretation by the ICJ and the 2000 unequivocal undertaking to eliminate nuclear arsenals, has been integrated into national nuclear planning. Rather its invocation seems to remain a rhetorical flourish for U.S. officials in international settings.

With the exception of China’s longstanding position of no first use, there is no evidence of a diminishing role for nuclear weapons, or of an effort to comply with the ICJ holding that threat or use of nuclear weapons is generally illegal, in the doctrines of the nuclear weapon states. No committee to deal with the nuclear disarmament process as a whole has been established in the Conference on Disarmament, contrary to the 2000 commitment. Nor have the NPT nuclear weapon states engaged in a multilateral process of reduction and elimination of nuclear forces. China, which proclaims its support of complete nuclear disarmament, and Britain have both stated their willingness to engage in such a process, but only when U.S. and Russian nuclear

forces have reached much lower levels.

The nuclear weapon states long have understood the NPT as an asymmetrical bargain, imposing specific, enforceable obligations on non-nuclear weapon states in the present, while requiring of themselves only a general and vague commitment to good faith negotiation of nuclear disarmament to be brought to fruition in the distant future if ever. The 1995 and 2000 Review Conferences, reinforced by the 1996 International Court of Justice opinion, decisively rejected this view. It is now established that the NPT has a symmetry of obligations. In other words, the NPT has, in effect, been converted to a nuclear disarmament as well as a non-proliferation treaty since the mid-1990s.

Measured by the standards set forth in the various NPT documents, the nuclear weapon states, especially the United States, are failing to comply with the NPT disarmament obligations, both because of lack of progress in specific areas, notably the rejection of the CTBT by the U.S. Senate and the abandonment of the ABM Treaty, and above all, by reason of the failure to make disarmament the driving force in national planning and policy with respect to nuclear weapons.

To comply with its NPT disarmament obligation the United States should, together with Russia, account for and dismantle warheads reduced under the Moscow Treaty, undertake further irreversible verified reductions, and engage other nuclear-armed states in a process leading to verified global elimination of nuclear forces. Pending nuclear weapons abolition, the United States and other nuclear-armed states should verifiably de-alert their nuclear forces by such means as separating warheads from delivery systems, to achieve a condition of “global zero alert.” The United States should also reject the expansion of nuclear weapons use options set forth in the Nuclear Posture Review, and together with other nuclear-armed states adopt a policy of no first use.

1 Unless otherwise noted, references are to be found in *Rule of Power or Rule of Law? An Assessment of U.S. Policies and Actions Regarding Security-Related Treaties*, on which this article is based. On-line at www.ieer.org and www.lcnp.org.

2 John Burroughs is executive director of the Lawyers’ Committee on Nuclear Policy, New York, U.S. affiliate of the International Association of Lawyers Against Nuclear Arms.

3 Article VI of the NPT provides in full: “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.”

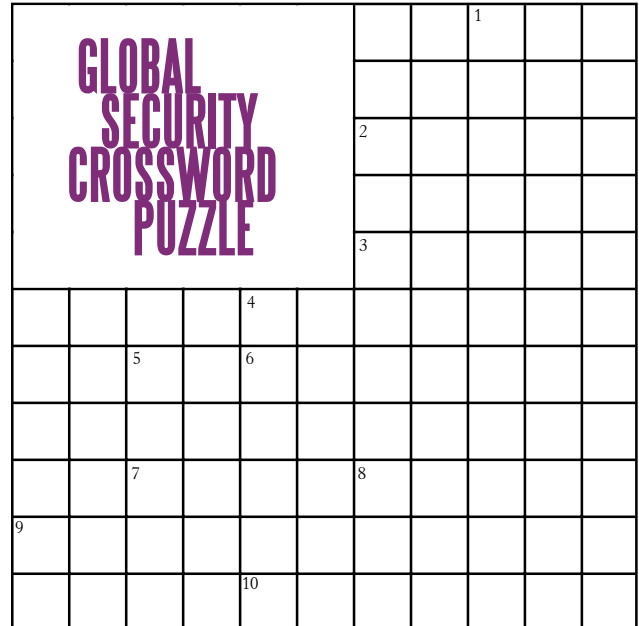
4 Quote from the NPR can be found on-line at www.globalsecurity.org/wmd/library/policy/dod/npr.htm (NPR excerpts).

5 Also, the United States and France are building laser fusion devices that are designed to create thermonuclear explosions in the laboratory. The explosions would be in violation of Article I of the CTBT, which prohibits all nuclear explosions. Britain is abetting the United States by providing funds to the National Ignition Facility.



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ACROSS

- System that would violate 3 across
- Moscow Treaty
- Treaty the United States abrogated in June 2002
- Western military bloc
- Certain U.S. programs may violate this treaty, which the United States ratified in 1975
- Issued an advisory opinion that the threat or use of nuclear weapons is in general contrary to international law and humanitarian law
- Nuclear disarmament treaty
- The United States unilaterally imposed restrictions on inspection provisions of this treaty; now other countries are doing so

DOWN

- Pentagon document outlining plans and policies contrary to the spirit if not the letter of 5 down and 9 across
- U.S.-Russian arms control agreement
- The United States is not meeting the general obligations of this treaty to curb greenhouse gas emissions

- The United States and France are preparing to violate this treaty by building laser fusion facilities
- The United States signed the treaty creating this entity but now opposes it

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ANSWERS TO ATOMIC PUZZLER

from SDA vol. 10 no. 3, May 2002

- | | | |
|--------------------------------------|-----------------|----------|
| 1. a. 6.52×10^{-2} mrem/pCi | d. 178 times | 2. True |
| b. 0.978 mrem/L | e. 0.0840 pCi/L | 3. c |
| c. 714 mrem/year | f. iii | 4. False |



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