

\*\*\*\*\*  
**PROGRAMME FOR PROMOTING NUCLEAR  
NON-PROLIFERATION**  
**and**  
**CENTER FOR NONPROLIFERATION STUDIES,  
MONTEREY**  
\*\*\*\*\*

**Disarmament – General Principles and  
Multilateral Actions**

(revised version)

BY

REBECCA JOHNSON

A BRIEFING SEMINAR ON THE  
PREPARATIONS FOR THE PREPARATIONS – THE 2002 PREPARATORY  
COMMITTEE FOR THE NPT REVIEW CONFERENCE OF 2005

L'IMPÉRIAL PALACE HOTEL  
ANNECY, FRANCE  
8 – 9 MARCH 2002

(PRESENTATION 3)

## **PPNN/Monterey seminar on NPT, Annecy, March 8-9, 2002**

### **Disarmament: General Principles and Multilateral Actions**

(notes for power point presentation only)

**Rebecca Johnson**

**The Acronym Institute for Disarmament Diplomacy**

#### **Introduction**

With 187 parties, the NPT is strong, but it should not be assumed to be indestructable. It is the cornerstone of the most essential security regime of the nuclear age, in part because it is inextricably bound up with a range of linked commitments, most especially the end of nuclear testing through the comprehensive test ban treaty (CTBT), as enshrined in the NPT's preamble.

The NPT defined five nuclear weapon states (NWS), not to confirm them in that status for perpetuity, but to delineate different obligations for those that had crossed the nuclear threshold by the specified date (January 1, 1967) from those that had not (and who by joining the treaty were pledging never to do so). The objective for both was deemed to be the same: security by preventing the acquisition and spread of nuclear weapons, which, the Cuban Missile crisis had reminded even the NWS, was a Bad Idea.

#### **1) The fundamental principle on disarmament derives from the NPT's Article VI:**

*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.*

The US and Soviet Union, who dominated the NPT negotiations, made no commitment to disarmament in their early drafts, but the non-nuclear weapon states (NNWS) insisted. Due to the concerted opposition of the NWS, the rather vague and woolly "in good faith" aspiration was the best that the NNWS could get in 1968. Nevertheless, over the years this paragraph has been regarded as a core element in the NPT agreements: some forego in return for the promise of others to give up. Anything else is inherently unstable in a world of sovereign nations with independent but also interlinked security interests.

The next two decades witnessed the continuation of the arms race, qualitatively and quantitatively, that suggested the opposite of good faith. At successive NPT Review Conferences, the NNWS pressed hard for progress on nuclear disarmament, with the CTBT, enshrined in the NPT preamble, as the symbolic centrepiece of NNWS parties' judgments of the NWS' compliance (or lack thereof).

The Review and Extension Conference of 1995 was seen as a watershed for determining the future of the NPT, not only in terms of its extension, but as importantly, in terms of compliance and fulfilment. It was largely as a result of the lack of fulfilment of article VI that the NNWS pushed so hard for the Principles and Objectives on Nuclear Non-Proliferation and Disarmament and the strengthened review process.

#### **2. 1995 Principles and Objectives specific to Nuclear Disarmament**

*Para 3. Nuclear disarmament is substantially facilitated by the easing of international tension and the strengthening of trust between States which have prevailed following the end of the cold war. The undertakings with regard to nuclear disarmament as set out in the Treaty on the Non-Proliferation of Nuclear Weapons should thus be fulfilled with determination. In this regard, the nuclear weapon states reaffirm their commitment, as stated in article VI, to pursue in good faith negotiations on effective measures relating to nuclear disarmament.*

*Para 4: The achievement of the following measures is important in the full realisation and effective implementation of article VI, including the programme of action reflected below:*

*4 (a) The completion by the Conference on Disarmament of the negotiations on a universal and internationally and effectively verifiable Comprehensive Nuclear Test Ban Treaty no later than 1996. Pending entry into force of a Comprehensive Test Ban Treaty, the nuclear weapon States should exercise utmost restraint;*

*4 (b) The immediate commencement and early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein;*

*4 (c) The determined pursuit by the nuclear weapon states of systematic and progressive efforts to reduce nuclear weapons globally with the ultimate goals of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control.*

This last para, 4c, was a little less vague than Article VI, but still open to a range of political and psychological interpretations – e.g. when was pursuit determined? what constituted systematic and progressive efforts? An important part of the New Agenda’s strategy at the NPT Review Conference in 2000 was to create a mechanism for the 2000 Review Conference to build on the Programme of Action contained in the 1995 decision on Principles and Objectives for nuclear non-proliferation and disarmament. In addition to reaffirming the necessity of action on the CTBT and Fissban, they sought to identify in more concrete terms the practical steps and measures which would, in their fulfilment, show that the NWS were making systematic and progressive efforts on nuclear disarmament as required in 4c.

### **3. Central to this approach was the call for an “unequivocal undertaking” to eliminate nuclear arsenals.**

*An unequivocal undertaking by the nuclear weapon states to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under Article VI. (Para 6)*

This unequivocal undertaking gives diplomatic weight to the July 8, 1996 advisory opinion of the International Court of Justice and provides the strongest yet agreed interpretation of the Article VI obligation. By joining consensus with the other NPT parties in May 2000, the NPT weapon states have now publicly accepted that this is

what is expected by NPT parties in fulfilment and implementation of the Treaty. As I will discuss later, the policies of some of the NWS do not reflect this recognition, and certain developments, such as the January 2002 US nuclear posture review (NPR), would directly contradict and violate these understandings and agreements.

#### **4. The unequivocal undertaking formed part of a 13-step Disarmament Plan of Action:**

1. CTBT
2. Testing moratorium
3. Fissile materials (cut-off) treaty
4. CD work on nuclear disarmament
5. Irreversibility
6. Unequivocal undertaking
7. START reductions and ABM Treaty
8. Trilateral Initiative (fissile materials)

- Further unilateral reductions
- Transparency
- Non-strategic/tactical nuclear weapons
- Reducing operational status/de-alerting
- Reducing role/minimise risk of use
- Engagement of all Five NWS in nuclear disarmament process

10. Excess fissile materials under safeguards
11. Ultimate objective: general and complete disarmament
12. Regular reporting of progress
13. Verification

The negotiations were tough and hard-fought (see *Disarmament Diplomacy 46*, May 2000 for a summary account of this), and in the end the NPT parties developed and agreed what is really a very good plan for achieving nuclear disarmament. No target dates or deadlines, admittedly, which some regard as a weakness, but all the essential elements are here.

**The most important thing to recognise is that the practical steps are not linear, but mutually complementary and intended to be reinforcing. The weapon states – and other parties – cannot hang around waiting for some treaty further up the line to be concluded. What was agreed in May 2000 is a multistranded approach incorporating unilateral, bilateral, plurilateral and multilateral measures, all of which need to be addressed as part of the overall process of reducing the legitimacy of and reliance on nuclear weapons.** Political conditions may determine what gets prioritised when, but the point is to work as much as possible on each, making use of opportunities as they arise, but also creating the opportunities for making progress. Unilateral and multilateral steps should not be viewed as ideological competitors. This is not an either/or dichotomy. Of course states need to make national provisions for their security, but they also need to engage multilaterally, and the measures should be mutually reinforcing.

Before I move on to discuss the multilateral commitments more specifically, I want to pose a question that should underlie all our deliberations here: **How can we use the NPT review process to enhance overall national, regional and international security and discourage, curb and, ultimately, prevent the acquisition of nuclear weapons?**

### **5. Principles to be applied**

Among these 13 steps, the principles of transparency and irreversibility were specified as applicable to all measures, steps and processes in arms control and disarmament. These principles derived from EU proposals, appearing in various forms in papers from the New Agenda, NATO-5, and others as well. While welcoming US-Russian reductions down to 1,700-2,200 deployed strategic nuclear weapons, as put forward in Crawford, we should be supporting Russia's arguments that such reductions should be irreversible and verified. A handshake is not enough. The agreements do not have to be formally codified in a treaty as such, but they need to be codified in such a way that they can be trusted and relied on, not only by both parties directly concerned, but by all NPT members. This is particularly important to avoid misunderstandings in case the Bush and Putin Administrations may be understanding the agreements very differently. The NPR indicated, for example, that Bush wants to remove from deployment and store the withdrawn warheads or put them in escrow – a form of de-alerting rather than real reductions. Application of the principles of irreversibility and transparency, as well as the wider commitment to verification which the British delegation was so keen to see in the 13 steps, is necessary for greater international confidence and to ensure that unilateral or bilateral measures meet the criteria laid out in 2000.

### **6. Multilateral commitments**

Of the 13 steps, four may be regarded as more particularly multilateral commitments:

- CTBT and testing moratorium
- Fissile material production ban
- CD subsidiary body on nuclear disarmament
- P-5 engagement (plurilateral engagement in a multilateral context, perhaps).

Important to note, however that just because other commitments are identified as unilateral and bilateral, does not negate the fact that Article VI is incumbent on all states parties, and all – not just the NWS – also have a security and legal interest in their implementation. I also want to stress that in confining this presentation to looking at the multilateral disarmament commitments, this should not be construed as underplaying the importance of dealing with Iraqi and DPRK noncompliance and the problems posed by the institutionalisation of three non-NPT states with nuclear weapon programmes, India, Israel and Pakistan.

#### What are the prospects for implementing these agreements in the near future?

I'm afraid, this could be answered in 2 succinct words "No chance" – qualified perhaps with four more "at least for now". Of course the NPT review process, including the PrepComs can be used to focus attention on these issues, but there are underlying political conditions that mean that, to be realistic, we will not get very far towards implementing any of these agreements unless we address those political conditions, which requires a wider political context than diplomatic reviews and conferences.

## 7. Obstructions to implementing the NPT

- Erosion of collective security and regime-building
- “War against terrorism” providing justification for individualistic, uncoordinated and unverifiable measures based on national interests which are narrowly defined in military terms (BWC, CTBT, missile defence etc?)
- CTBT in limbo: potential resumption of nuclear testing
- Leaner, meaner, modernised nuclear arsenals? (Cuts not as steps towards disarmament but as rationalisation of nuclear arsenals)
- Linkages, priorities and deadlock in the CD
- Power, preparation and political will

In looking at these in more detail, it is inevitable that, due to the American concentration of military power, more attention is given to US policy. It should not, however, be forgotten that at a similar Monterey-PPNN meeting soon after May 2000, it was Russia and France who were most frantically back-tracking on some of the agreements, and China which continued stolidly to assert business as usual.

## 8. “Pro-American” Security Doctrine

*“Trying to characterise our policy as ‘unilateralist’ or ‘multilateralist’ is a futile exercise. Our policy is, quite simply, pro-American, as you would expect.”*

John Bolton, US Under-Secretary of State for Arms Control and International Security, to the CD, January 24, 2002

It would be good if “pro-American” were equated with an understanding of how dependent American security is on collective security, but that does not appear to be the dominant thinking in the Bush Administration at present.

*FY 2003 military budget request \$ 396.1billion*

This is greater than the next 19 largest military budgets – in other words, Russia, China, Japan and most of NATO – combined. Is American policy now based on the premise that what is good for the Pentagon is good for US national security and *ipso facto* must be good for international security?

## US Nuclear Posture Review

The new strategic triad, as described in US Sec. of Defense Donald Rumsfeld’s own words in the cover letter accompanying transmission of the classified NPR to Congress, January 8, 2002:

- *Offensive strike systems (both nuclear and non-nuclear);*
- *Defences (both active and passive);*
- *A revitalised defence infrastructure that will provide new capabilities in a timely fashion to meet emerging threats.*

For much of the cold war, the strategic triad was essentially land, sea and air-based military forces, centred on nuclear forces.

In some ways it must be welcomed that the Pentagon is finally moving away from cold war thinking. The Clinton Administration squandered the opportunity to do this when they should have been leading the way in the 1990s. The problem is, that the Bush Administration is coming up with wrong and dangerous responses to serious and

necessary questions. National security action should not undermine and destabilise international security regimes. It is possible to make them compatible, but not by keeping every option indefinitely open.

The NPR's strategic concept in effect means that:

- 1) strategic no longer regarded as just nuclear – upgrading of strategic role of non-nuclear weapons;
- 2) Missile defence plus homeland defences;
- 3) This is the crucial change – capabilities based rather than threat-responsive. , enables the Pentagon to support its defence industry indefinitely, make unlimited financial claims based on 'necessity', and drive its own, solitary, expensive, escalatory arms race to keep all options open to beat all *imaginable* future threats: money for the labs, for R&D, testing etc. Needs no longer fear the possibility of peace or a peace dividend eroding defence industry profits. Note IHT article February 20: "US, reducing arms, considers new nuclear weapons".

## **9. The Death of Multilateral Arms Control?**

1) Can arms control be made compatible with Bush Administration concept of security?

Bush concept of security has the following principal characteristics, which are equated with poorly analysed "pro-Americanism", as John Bolton's speech to the CD exemplified.

- \*Nonproliferation, counter proliferation and unilateral, military-based defence
- \*Resistant to restraints on own option
- \*Declining or selective interest in arms control

- What happens if the CTBT is seen to have failed?
- What role is possible for the CD at present?

Concern among allies regarding the US quest for invulnerability and its over-reliance on military-technical solutions; scepticism that missile defence will work technologically or, even if it does, significantly enhance international security; fear that US is destroying existing security and arms control regimes, either deliberately or through a lack of comprehension of the interdependence of security, nonproliferation and disarmament regimes...

2) If the CTBT fails, can rational actors (and reasonable people) continue to argue for the step by step process?

3) What role is possible for the CD at present? How much energy should governments and civil society put into it? Can it be structurally reformed to move beyond the consensus deadlock and linkage games? What really are the next security and disarmament priorities for the international community in the "age of terrorism"? As the Ottawa process showed, if there is overwhelming public demand for negotiations on a disarmament measure and the CD continues to drag its heels, then international advocates can establish ad hoc multilateral negotiating fora which may be more successful.

## **10. CTBT and Testing**

*1. The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Test Ban Treaty.*

2. *A moratorium on nuclear weapon test explosions or any other nuclear explosions pending entry into force of that Treaty.* (text agreed in NPT final document, May 2000)

### **11. CTBT in jeopardy**

- China, US not ratified
- India, Pakistan, DPRK not signed
- Who might want to test again: India? US? China?

As of February 25, 2002, 165 signatories and 89 ratifications, of which 31 of the 44 [check latest]

Under current conditions, entry into force of the CTBT is unfortunately not probable. Need to highlight two related issues: i) the effect of non-entry into force of the CTBT on arms control and nonproliferation, particularly the relationship of the CTBT to the NPT since 1968 and its role in enabling the 1995 extension decision to be agreed, as well as the explicit commitments made in 2000; and ii) the practical problems of verification, support for the CTBTO and the international detection and identification of clandestine nuclear tests.

### **12. Indications that the US might consider resuming testing**

[Note March 12: The clearest indication comes from the media discussions of leaked parts of the Nuclear Posture Review, which happened the day after the Annecy meeting closed. The following comments, citing clues rather than indications, should be read with subsequent information in mind.]

Paul Robinson, director of Sandia National Laboratories, argued in a paper entitled “Maintaining a viable nuclear weapon programme in a test ban environment” [March 2000] that: “The United States will undoubtedly require a new nuclear weapon, either for a different delivery mode or vehicle, or, quite likely, because it is realised that the yields of the weapons left over from the Cold War are too high for addressing the deterrence requirements of a multipolar, widely proliferated world.” As the Warner-Allard provision demonstrated, Robinson and others have persuaded some Congressional leaders that they *should* want mini-nukes (by which they seem to mean weapons with yields of 5 kt or below) for use against hardened, deeply buried targets such as missile silos, chemical and biological weapons (CBW) stockpiles or a terrorist/“rogue” government command bunker.

In a further interview, actually published on 11 September 2001, Robinson argued even more explicitly: “Where the hell are we going to use missiles with four to eight warheads, or half-megaton yields? Even the few ‘tactical’ nuclear weapons that we have have high yields of above 100 kilotons. I would hope the U.S. President would think it was crazy to use such weapons in response to a rogue-state attack. After a decade of trying to sort out what we learned from the Cold War and how we might fit our nuclear deterrence and deterrent message to fit the future, I now argue that we need lower-yield nuclear weapons that could hold at risk only a rogue State’s leadership and tools of aggression with some degree of confidence.” [“National lab director makes the case for new nukes,” *Government Executive Magazine*, 11 September 2001.]

After the appalling attacks on the World Trade Center, the Washington Times published a piece from Thomas Woodrow, who argued in favour of the use of nuclear

weapons in Afghanistan: “The time has come for the United States to make good its past pledges that it will use all military capabilities at its disposal to defend U.S. soil by delivering nuclear strikes against the instigators and perpetrators of the attacks... At a bare minimum, tactical nuclear capabilities should be used against the bin Laden camps in the desert of Afghanistan. ... A series of low-level, tactical nuclear strikes in the Afghanistan desert would pose no risk to large population centres and would carry little risk of fallout spreading to populated areas... [Thomas Woodrow, “Time to use the nuclear option,” Washington Times, 14 September 2001.] Largely viewed as flying a kite on behalf of interests high in the Pentagon, Woodrow’s view, though dismissed at the time by US and British government officials, has now found its way into the Nuclear Posture Review, despite the fact that it would mean violating the US’ negative security assurances contained in UNSC 984.

John Bolton: US committed to LTBT/PTBT (1963), TTBT (1974) and PNET (1976)! *“Our commitment to multilateral security regimes to promote nonproliferation and international security never has been as strong as it is today, through numerous arms control treaties and nonproliferation arrangements, including the NPT, CFE, CWC, BWC, LTBT, PNET and TTBT, as well as to nonproliferation regimes like the Zangger Committee, the NSG, MTCR, the Wassenaar Arrangement and the Australia Group.”*

[Bolton to CD, January 24, 2002]

In his CD speech, Bolton gave approval to three nuclear testing treaties – all from the cold war (ironic in view of its age and era being cited as a major reason for ditching the ABM Treaty). The 1963 PTBT banned atmospheric testing. It was an important agreement at the time, but not even the Bush administration is contemplating a return to the days of huge mushroom clouds with radioactive fallout blowing across Nevada (or the Pacific). Even when they were signed in the 1970s, the other two were sham treaties, superpower public relations exercises intended to divert civil society pressure from a total test ban. They promised to limit yields to 150 kilotons when neither the US nor USSR had any reason or desire to go higher.

The post cold war, multilaterally negotiated CTBT was not on the list of favoured agreements. Bolton later told UN journalists that President Bush “opposes the CTBT” and would not seek Senate ratification. If international non-proliferation, arms control and disarmament are to have any collective meaning, then they have to impose credible legal and practical constraints on the armaments and force capabilities of the large nations as well as the small.

J.D. Crouch, Assistant Secretary of Defence for International Security Policy, Special Pentagon briefing on the Nuclear Posture Review, January 9, 2002:

*“DOE is planning on accelerating its test-readiness program... No change in the administration’s policy at this point on nuclear testing. We continue to oppose CTBT ratification. We also continue to adhere to a testing moratorium.”*

In making this presentation, I asked why the commitment was qualified with “at this point”, which suggests that the decision could change at any time. The leaking of classified parts of the NPR answer my question – the moratorium decision could indeed be changed at any time.

### **13. Sustaining the Moratoria**

- Resuming nuclear tests: risks and arguments
- Preventing a further nuclear test by India, Pakistan, China or the United States
- What if testing resumes?
- Russia, France and Britain
- Pressure, incentives and disincentives from the international community
- Other NPT states: good allies willing to make high level representation to these countries, or just sycophants?

At the Nonproliferation seminar in Tokyo last week, emphasis was placed on the necessity to hold the line on the testing moratorium, which the United States and China both emphasise that they are committed to (and India and Pakistan also have declared testing moratoria).

Important to explain the relationship between the CTBT and the NPT, which could be irreparably harmed if the US or any other NPT state resumed testing, even if provoked by further tests from India or Pakistan. Even the fact that the US is engaging in a domestic, public debate about possibly resuming nuclear testing is damaging and weakening the credibility of the moratoria, the CTBT and, by extension, the NPT.

In Tokyo we also had considerable discussion of the pros and cons of seeking a high level “binding” endorsement of the testing moratorium through the UN Security Council or at ministerial/heads of state level among the P-5, although some participants felt that this had already been achieved in the NPT 2000 agreements. There was concern that a further attempt would not be feasible under the Bush Administration, which appeared to want to hold all its options open, including the option to conduct nuclear tests. At the same time, while continuing to create pressure for further ratifications and for India, Pakistan and DPRK to sign, we must guard against providing opportunities for CTBT opponents to further undermine or formally pull out of the CTBT.

Though China has underlined that it has no plans to breach the moratorium, potential consequences that need to be taken into account in the US’ deliberations on testing and the CTBT should include the possibility of a resumption of nuclear testing by other countries, including China, where the decision to halt testing and sign the CTBT was contested by some domestic interest groups, including the laboratories and PLA, both of whom might lobby for a resumption – which would be very convenient for China’s programme of nuclear weapon modernisation – if India or the US were to conduct further tests.

### **14. CTBT in Limbo**

- What can NPT parties and CTBT signatories do?
- Sustaining credibility, the CTBTO and verification
- Article XIV entry-into-force conferences
- Provisional application

It is vital that states which have not yet ratified maintain their payments to enable the CTBTO to develop and maintain a credible verification system. High level representation to these countries – especially the United States – from Russia, Britain

and France, as the three NWS which have ratified, as well as other NPT parties needs to continue – not only at ambassador level in the CD and Vienna, important though that is, but at the highest level in bilateral exchanges and meetings, and at every opportunity.

In Tokyo, there was also discussion of the pros and cons of provisional application, which could either be raised at the next Article XIV Special EIF Conference, due in 2003 or possibly 2004, or alternatively, a group of “Friends of the CTBT, including high profile allies of the United States, could consider a special conference or other high profile occasion with the purpose of applying the CTBT provisions pending entry into force. Though essentially a gesture, this could be a politically useful message with practical implications for the CTBTO and the credibility of the non-testing regime that would not have to wait for the next Article XIV conference.

### **15. Fissile Material Ban**

*3. The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years. (text agreed in NPT final document, May 2000)*

### **16. Factors to consider**

- Stocks and competing interests: P-5 and U-3: Pakistan, India, Israel (and Middle East states)
- Keeping options open, missile defence, new arms racing and the fissban
- CD deadlock, fissban, PAROS and Amorim proposal

Prospects for the fissban have suffered from competing interests among the P-5 and the undefined (sometimes thought of as the unofficial, albeit in India’s case self-declared) nuclear weapon possessors (U-3), particularly over whether to deal only with future production (FMCT) or to include consideration of stocks (FMT). China’s linking of FMCT negotiations in the CD with its requirement of similar treatment (i.e. negotiations) for PAROS is a continuing factor in the CD deadlock. A recent factor is the US Nuclear Posture Review emphasis on keeping all possible options open, leading to the possibility of a new arms race (mainly a problem for the small weapon states, as the US and Russia are awash with fissile materials).

### **17. Alternatives to the CD?**

- P-5 cut-off treaty?
- P-5 + U-3 talks?
- Bring back to the CD or adopt through UNGA or UNSC?

We have to re-examine the purpose and context of the measure to prohibit fissile material production. Is it possible to deal with stocks in parallel outside formal negotiations or allow the cut-off negotiations to go forward as the first in a two stage process, the second stage of which would proceed to the more complex task of

addressing stocks? Despite constructive ideas put forward by many of us over the years, it now has to be admitted that a basic FMCT is no longer what many NNWS regard as the next useful step to spend enormous time and resources on negotiating in the CD (unless that is all that would keep the CD alive). Just a basic cut-off of production is regarded as a nonproliferation objective the major NWS with respect to the U-3 and possibly China rather than a significant measure to promote disarmament. While I am not specifically advocating alternatives at this point, I think there needs to be discussion of the pros and cons – and political feasibility or not – of going outside the CD, perhaps to negotiate a cut-off treaty among the P-5 or even to develop the elements between the P-5 and U-3 – though I do not underestimate the resistance there might be to what could be deemed as giving the U-3 nuclear status through the back door. If such an approach were tried, it could be given multilateral authority by being adopted by the CD and UN General Assembly, or even the UNSC. I must stress that these are just ideas for consideration because the alternative appears to be more of nothing or sidebar technical discussions among CD members or a smaller group of representative national experts, which would tie up international money and resources, but in the end would be unlikely to produce more than the P-5 would do by themselves if they exerted the political will.

## **18. CD to “deal with” nuclear disarmament**

*4. The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate establishment of such a body.*

The Amorim proposal (CD/1624, August 24, 2000) is still regarded by many as the best hope of getting the CD moving. It recommends the establishment of four ad hoc committees: one each to “deal with” nuclear disarmament and PAROS, one to negotiate a ban on the production of fissile materials, based on a specific mandate agreed in 1995, and one, with a broader mandate, to negotiate on negative security assurances (NSA). In addition, it proposes the establishment of special co-ordinators on anti-personnel mines, transparency in armaments, and the review of the CD’s agenda, the expansion of its membership and its effective and improved functioning. Amorim attached a draft presidential declaration to this proposal stressing that the CD is a disarmament negotiating forum and that the above mandates should be viewed in that light, and further noting that the CD continues “to be influenced by and responsive to developments in the international strategic scene which affect the security interests of its individual members.”

There are no easy answers to the problem of CD deadlock. There is clearly a structural dilemma, since the CD rules of procedure require consensus for procedural as well as substantive decisions, and therefore for adopting its agenda *and also* work programme (surely the work programme should now be the agenda?) year by year. However, the central problem is not structural but political – the competing interests of several nationalistic players. After the experiences of the CTBT and BWC, we also might want to ask what does participation in multilateral negotiations mean? Consensus is presented as essential to ensure mutual ownership of the outcome, vital because these negotiations affect national security and defence postures. But India participated all along in the CTBT negotiations and then sought to trash the treaty.

The United States was “out front pulling” but couldn’t muster the political will to ratify and now has an administration which baldly says it does not support the CTBT. And after nearly 7 years of negotiating a verification protocol for the BWC the United States (again) walked away at the last minute. So what assurances does the rule of consensus confer that majority decision-making would not do as well?

Time and subject constraints prevent me from here discussing the upcoming – and to my mind very important question of preventing a future arms race in space, which is clearly related to missile defence concerns (see Disarmament Diplomacy No. 56 for a fuller discussion).

## 19. SOME CONCLUSIONS AND QUESTIONS

### Where next for the NPT Review Process?

- What do the NPT 2000 agreements mean?
  - Commitments and noncompliance, applicable to the NWS as well as the NNWS;
  - Accountability and reporting;
  - The U-3 – what are the implications of having 3-4 institutionalised non-parties?
  - Has the NPT gone as far as it can to embed nonproliferation?
- 
- Is nonproliferation sustainable if the United States pursues the Bush security concept?
  - The P-5 got away with ignoring Article VI from 1970 to 1990, chiefly because of the dominance of cold war doctrines, rivalries and fears. Will the war on terrorism provide new “luke-warm war” justifications for a renewed arms race?

To hear some, especially from the NWS, talk, the consensus agreements from May 2000 are just expressions of the time, aspirations, not binding; to others they are binding, updated interpretations of what still needs to be done to fulfil the 1968 Treaty. At the moment I am increasingly pessimistic about the prospects for making any progress on nuclear disarmament over the next few years of this “era of asymmetric security threats” or “age of terrorism”. Rather, the main task is likely to be preventing rollback of progress previously gained. Of course we need to shore up the nonproliferation and disarmament walls, but such an approach also carries the risk of devoting so much attention to counteracting negative moves that we fail to develop positive approaches, becoming merely reactive, which could be a trap. **The tasks facing us are preeminently political, not procedural, and for that we have to work outside diplomacy in order to create the conditions for diplomacy to work.** The review process is undeniably an opportunity to air and discuss the issues, the emphasis should be substantive rather than procedural. It is likely that there will be pressure for special time to be devoted to security assurances and to regional issues. In addition to the more general disarmament debate on cluster 1 (the issues dealt with by Main Committee I at the review conferences), special time should also be allocated to discussing how best to implement the practical disarmament commitments in the 13 step plan of action.

- But can we consider perhaps some alternative approaches for implementing the 13 steps
- Engaging the P-5: Clearly there is an important role for the NNWS and NGOs, but both seem to be floundering, unable to generate sufficient public or political interest to exert effective international and civil society pressure on key governments to engage more constructively.
- Engaging the U-3: which are likely to work best, international initiatives, regional confidence-building or a mixture of both – and how?

If testing resumes, will there be international rebellion or acquiescence? Is it time for a new arms race or a new deal on nonproliferation and nuclear disarmament? Can civil society be mobilised on any disarmament issue these days? Should there now be consideration of multilateral approaches to deal with delivery systems, specifically missiles (a more far-reaching approach than the International Code of Conduct developed under the auspices of the MTCR)?

If the disarmament gains associated with nonproliferation and the end of the cold war are eroded, expect to see a greater push for a nuclear weapon convention in 2005, a radical idea viewed as much longer term, perhaps, but one with inescapable logic and potential public appeal.

Realistically, perhaps only the threat/fear of placing weapons in space and turning “the skies” or “the Heavens” into a battleground could be capable of rousing civil society, including developing allies among Big Money with commercial interests in keeping space peaceful, such as communications, entertainment and navigation industries. Though not identified in the 13 steps, it is entirely consistent with those objectives, and would be a logical reaction to missile defence and the fears being generated by US military developments. Expect to see space Sanctuary, the prevention of weapons deployment in space, as the next significant objective for civil society.