

Farewell to Arms by Harald Müller

What's Blocking Nuclear Disarmament?

In the 1960s, when the United States and Soviet Union submitted their draft non-proliferation treaty to the 18-member Disarmament Committee in Geneva, it was exactly that — a treaty to prevent the proliferation of nuclear weapons to more States. It prohibited non-nuclear weapon States from acquiring nuclear weapons and prohibited the five acknowledged nuclear-weapon States from supplying them.

However, it was not possible to conclude a treaty on those terms alone. Consequently, Article IV (on peaceful nuclear cooperation) and VI (on disarmament) were added. Only on the basis of this “bargain” could the global Nuclear Non-Proliferation Treaty (NPT) come into existence.

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Today, in an era of stagnating nuclear disarmament, one hears voices from some nuclear-weapon States that the disarmament stipulation was without substance and unnecessary. They argue that non-nuclear weapon States care only about their security and nothing else. Proliferation would hurt their security, the argument goes, while the arsenals of

the nuclear powers would have no negative effect upon it. Therefore, they reason, disarmament really has no relation to the treaty and its future stability.

This line of thinking is a serious and potentially fatal error. Security is a very important consideration for States, but by no means the only one. It is ironic that the nuclear-weapon States that care for their own sovereignty rights would overlook that sovereignty is also dear to other States.

Renouncing the most powerful weapons of one's time — as NPT non-nuclear weapon States pledge to do — is a historically unprecedented move by States having the resources to acquire them. This is a waiver of sovereign equality that could only be gained by the promise that it would be temporary.

What we have today is the makings of a dangerous gamble. Nuclear-weapon States appear unwilling to implement their disarmament undertakings under the NPT's Article VI. At the same time, they insist that non-nuclear weapon States meticulously observe Articles II (renunciation of nuclear weapons) and III (nuclear safeguards), and that they even adhere to new requirements every now and then (such as renouncing fuel cycle activities).

A Gamble of Slippery Slopes

The gamble is that all this is happening without nuclear-weapon States being ready to offer any quid pro quo. Their stance enhances the discomfort of an increasing number of non-nuclear weapon States with the Treaty. While this will not lead to a mass exodus, it reduces the willingness to accept tougher verification, compliance and enforcement measures and might thus, over time, erode the effectiveness of the NPT. If the Treaty is perceived as losing its value, withdrawing from it might eventually be seen as a consideration. Nuclear-weapon States, always so weary

about “slippery slopes,” should keep this most slippery of all slopes in mind.

Particular developments in the last few years add to the gamble. In 1995, and even more so in 2000, a change of attitude and strategy by the non-nuclear weapon States regarding Article VI had set in. Rather than demanding utopian and thus unrealistic, overly far-reaching steps from the nuclear “haves”, they proposed tangible, incremental steps. After long and hard negotiations, a “Program of Action” was accepted by consensus. Acceptance came in the context of the “Principles and Objectives” of the 1995 NPT Review and Extension Conference, and in the “thirteen steps” (that are, in fact, 21 individual measures) in the final declaration of the 2000 Review Conference.

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At this point, non-nuclear weapon States had believed that they shared with their nuclear-armed counterparts a solid outlook on how to proceed with the implementation of Article VI. No one had the illusion that all the steps would be strictly implemented. Most accepted that the failure to achieve an agreed amendment to the Anti-Ballistic Missile Treaty between Washington and Moscow led to the scrapping of that Treaty. But the pathetic under-achievement of the “Thirteen Steps,” accompanied by statements of several nuclear-weapon States that they did not feel bound by these agreed measures (that are, as the common interpretation of the NPT community of how Article VI is meant to be fulfilled, politically binding) came as a shock and led to great frustration among the majority of NPT members.

A Better Posture

If we start from the notion of the “bargain” and accept that nuclear disarmament will not happen overnight, nuclear-weapon States could assume a different posture. A State faithful to its disarmament obligation might be guided by the following principles:

- ◆ Stick to the absolute minimum number of warheads in your arsenal that is likely to deter your enemy - or combination thereof - from threatening the survival of your state.
- ◆ Develop a doctrine and respective deployment policy in a strictly retaliatory manner.
- ◆ Avoid technical and doctrinal developments that tend to reserve a role for nuclear weapons beyond this limited deterrence/retaliatory role.
- ◆ Avoid all offensive postures that may drive additional actors into the belief that their survival might be at stake, motivating a desire for nuclear weapons.
- ◆ Take all efforts to find alternative ways to provide for your security, ranging from stronger conventional defence to solving the conflict for whose prevention the nuclear weapons were destined, i.e. replacing the hostile deterrence relationship by means of cooperative security, a solution that, of course, hinges on the readiness of the other side to reciprocate.
- ◆ Eliminate all nuclear weapons not needed for ensuring survival, and eliminate the last nuclear weapon if alternative ways for ensuring survival have been established.

A quick look at the “Thirteen Steps” shows that they are largely compatible with such a posture. (*See box.*)

Looking at the thirteen steps makes it all the more astonishing that nuclear-weapon States move reluctantly. The steps themselves present reasonable options that should be in the best interests of nuclear-weapon States. They create much more reliable mutual expectations, confidence and transparency without eliminating the deterrent value in which the nuclear powers all appear still to believe. In addition, several of the measures contained in the steps — such as reducing non-strategic nuclear arms, a verified cut-off and the submission to IAEA safeguards of fissile material no longer destined for weapons — serve, indirectly, the globally shared goal of fighting terrorism. They make access by non-State actors to nuclear weapons and related materials more difficult — an objective that has been endorsed and pursued by Resolution 1540 adopted by the Security Council in April 2004.

Nowadays, nuclear-weapon States do not face existential threats against which unfettered options for keeping or acquiring large arsenals or revolutionary new weapons would appear necessary. If there is any concern that nuclear activities in North Korea or Iran may lead to the emergence of new nuclear powers, the world’s existing arsenals are more than enough to control that risk.

Just as clearly, there is no need for these options in humanitarian intervention or peacekeeping or peace-enforcing

13 Steps...and Counting

The 13 practical steps adopted by NPT States in 2000 consist of 21 individual measures:

❶ 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 Nuclear-Test-Ban Treaty.

❷ A moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending entry into force of that Treaty.

❸ 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.

❹ 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.

❺ The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.

❻ 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.

❼ The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the Treaty on the Limitation of Anti-Ballistic Missile Systems as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.

❽ The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.

❾ Steps by all the nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:

◆ Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally;

◆ Increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament;

◆ The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process;

◆ Concrete agreed measures to further reduce the operational status of nuclear weapons systems;

◆ A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination;

◆ The engagement as soon as appropriate of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons.

❿ Arrangements by all nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside military programmes.

⓫ Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.

⓬ Regular reports, within the framework of the strengthened review process for the Nuclear Non-Proliferation Treaty, by all States parties on the implementation of Article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", and recalling the advisory opinion of the International Court of Justice of 8 July 1996.

⓭ The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.

UN Advisory Board on Disarmament

The UN Secretary-General's Advisory Board on Disarmament was set up in 1978, tasked with making practical recommendations on arms control, non-proliferation, and disarmament issues.

Most recently, the Board has examined terrorism and weapons of mass destruction; compliance, verification and enforcement of multilateral disarmament treaties; revolution in military affairs; disarmament and human security; disarmament and development; prevention of weaponization of outer space; and curbing the proliferation of small arms and light weapons, among others. It also initiated the United Nations Study on Disarmament and Non-Proliferation Education, adopted by the General Assembly in 2002.

The Board has 22 members, appointed by the Secretary-General and serving in their personal capacities.

In addition to advising the Secretary-General, the Board reviews studies and research under the auspices of the United Nations or institutions within the United Nations system; serves as the Board of Trustees of the United Nations Institute for Disarmament Research (UNIDIR); and advises the Secretary-General on the implementation of the United Nations Disarmament Information Programme. The Director of UNIDIR participates as *ex officio* member of the Board.

For more information, check the web pages of the United Nations at www.un.org/issues/m-disarm.asp

Restoring Confidence

What, then, is holding up nuclear disarmament? In my view, residual distrust is one problem. It persuades some nuclear-weapon States to keep the option for larger arsenals open if ballistic missile defences are introduced. Beyond this specific strategic concern, it appears that keeping freedom of action as such is valued highly by some – so highly that even legal and political undertakings are pushed aside.

The fear of a "slippery slope" is another problem. Fears that disarmament could lead uncontrollably to the untimely elimination of all nuclear weapons run strong. Even the completely reasonable and beneficial measures agreed in 2000 appear as such a big risk that nuclear-weapon States are not willing to take the first step. And of course, the members of the nuclear weapon complexes are happy to supply new notions of threats to which nuclear answers such as "bunker busters" or "mini-nukes" that have been on their wish-list for decades — with shifting targets, to be sure are then warmly recommended.

The United Nations Advisory Board on Disarmament Matters has tried to identify the priorities in the field of nuclear disarmament. A report to UN Secretary-General Kofi Annan and his High-Level Panel sets priorities with the objective of preventing nuclear terrorism. It recommended further reduction and eventual elimination of non-strategic nuclear weapons; the prompt start of negotiations for a verifiable treaty to provide for the cut-off of the production of fissile material for weapons purposes; and a convention for the ban of radiological weapons and warfare.

In connection with the "thirteen steps", this list of priorities provides a good program of action that could be tackled immediately. Such an initiative could restore some of the confidence lost by the international community in the validity of the disarmament undertakings of nuclear-weapon States.

Without such a move forward, recriminations within the NPT family may mount — weakening the determination to confront the double risks of more nuclear proliferation and terrorist access to the most horrible weapons of our time.

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missions. To the contrary, considering the employment of nuclear weapons in such contingencies would contradict the 1996 advisory opinion of the International Court of Justice. The Court said that, if at all, the use of nuclear weapons was only justifiable if national survival were at stake.

Neither are nuclear weapons needed for keeping a hostile leadership at bay or eliminating it, as the Yugoslav, Afghan, and Iraqi experiences demonstrate. And conventional options are also available to counter the threat of biological or chemical weapons.

Even if nuclear deterrence were seen as a needed option, sharply reduced arsenals would still suffice to do the job. And against the scourge of our time, transnational terrorism, nuclear weapons have no use at all.