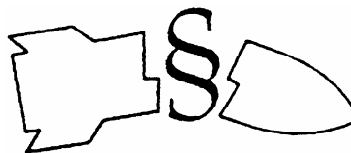


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Review of Ways to Advance the Disarmament Agenda Secretary-General's Advisory Board on Disarmament Matters John Burroughs, Executive Director, Lawyers' Committee on Nuclear Policy July 18, 2007, United Nations, New York*

You have before you *Nuclear Disorder or Cooperative Security: U.S. Weapons of Terror, the Global Proliferation Crisis and Paths to Peace*.¹ It both praises and critiques the June 2006 report of the WMD Commission,² and goes beyond to offer in-depth analysis and recommendations regarding U.S. policy on nuclear weapons and the international security framework. *Nuclear Disorder or Cooperative Security* is a product of collaboration of my group, Lawyers' Committee on Nuclear Policy, based here in New York, Western States Legal Foundation, based in California, and Reaching Critical Will of the Women's International League for Peace and Freedom, based in New York. LCNP and WSLF are affiliates of the International Association of Lawyers Against Nuclear Arms. We are using the book, released May 1 at the NPT PrepCom, in our outreach in the United States. Already we have done a briefing for Congressional staff, provided the book to numerous key US senators and representatives, and promoted it within civil society networks and campaigns. Our timing is good. There is more chance for movement on arms control in the United States than there has been for at least a decade.

Key Measures

Today I mainly want to talk about a few of the many recommendations made in the WMD Commission report and in *Nuclear Disorder or Cooperative Security*.³ To begin with, I'll go over some familiar ground in talking about three key endeavors, verification of U.S.-Russian reductions, a fissile materials treaty, and control of missiles/missile defenses. This can hardly be avoided in the nuclear field, where the necessary steps have been long identified.

From a disarmament perspective, *verified U.S.-Russian reductions* remain the highest priority. This, however, is not the view of the Bush administration, which plans to allow START to expire in 2009. START provides some monitoring mechanisms for the 2002 Strategic Offensive Reductions Treaty (SORT) as well as limits on multiple warhead missiles. The administration indicates that only "confidence-building measures" will be substituted.⁴ Here the WMD Commission is right on the mark in calling for negotiation of a new U.S.-Russian treaty requiring *verified* and *irreversible* reductions in strategic nuclear weapons that would include a requirement of dismantlement of weapons withdrawn under SORT.⁵

* corrected version

There has been ongoing work regarding verification by the U.S. National Academy of Sciences,⁶ the United Kingdom,⁷ and others. A crucial point is that achieving confidence that reduction and elimination of arsenals have been implemented remains challenging, principally due to the possibility of hidden warheads, stocks of fissile materials, or capabilities. The National Academy of Sciences found that confidence would increase based on monitoring programs undertaken on an ongoing, long-term basis in an atmosphere of transparency and cooperation.⁸ An implication is that verification and transparency measures need to be implemented beginning now, above all regarding U.S.-Russian stocks and reductions.

The Bush administration takes the position that that Cold War-style verified arms control is no longer necessary. This approach overlooks that Cold War or no, the two countries need to regulate their nuclear relationship; “partnership” is not necessarily forever. Further, accounting for warheads and verifying reductions is essential to achieving marginalization and elimination of nuclear weapons globally, however reductions come about.

Fissile materials treaty: There is some tendency to view a fissile materials treaty as a lesser priority, given that most states are already bound by the NPT not to make materials for weapons, and a de facto moratorium exists among the five NPT weapon states. I disagree. First, achievement of a fissile materials treaty would restrain arms racing involving India, China, and Pakistan, cap Israel’s arsenal, and establish ceilings on other arsenals as well. Second, it would help prevent acquisition by terrorists. Third, it would meet a key NPT commitment. The point I want to emphasize though, it that it would materially advance disarmament. It would help build a stable framework for reduction and elimination of warheads and fissile material stocks, and institutionalize one of the basic pillars, along with the test ban treaty, of a nuclear weapons-free world.

Verification is imperative and feasible, as the International Panel on Fissile Materials has demonstrated. A verification system could initially focus on declared enrichment and reprocessing facilities in the weapon states. A fissile materials treaty should also bar the conversion of the existing large stocks of civilian materials to weapons use. It should further provide that existing military materials declared “excess” to “military” needs would be subject to a verified ban on weapons use. Especially given the complexities involved in a thorough-going treaty, a two-pronged approach may be warranted: formalizing a moratorium on production by all weapon states; and negotiating a treaty that provides tools for achieving disarmament as well as halting further production.

As we all know, the Conference on Disarmament needs the agreement of only a handful of countries to commence negotiations on a fissile materials treaty. If negotiations do begin, there should be no quick rush to achieve a non-verified treaty, applying only to future military production, as proposed by the United States. That would negate the benefits of advancing towards a nuclear weapons-free world. Let me make a couple of comments on the geopolitics of getting negotiations going. Based on conversations with Pakistani diplomats and scientists, my understanding is that Pakistan is extremely wary that the proposed U.S.-India nuclear cooperation deal will bolster India’s weapons capabilities. Given this context, they are not convinced that a fissile materials treaty would necessarily constrain India. This points to the need to push for a verified treaty that would among other things prevent the conversion of “civilian” materials to weapons use. It seems to me that this should meet Pakistan’s concern, as a matter of objective reality if not subjective politics. Regarding China’s reluctance so far to agree to the proposed CD program, I must note that at the 1995 NPT Review and Extension Conference China agreed to early

commencement of negotiations on an FMCT. This was not conditioned on agreement on a wider program of work in the CD. But it also seems true that China needs reassurance that a cap on fissile materials production will not be an isolated measure in the context of ongoing U.S. strategic modernization in delivery systems, missile defenses, and possibly even space-based systems. Progress on matters that Jonathan Granoff discussed is therefore highly desirable to facilitate progress on fissile materials and nuclear disarmament generally.

Control of missiles/missile defenses: As *Nuclear Disorder or Cooperative Security* comments, the WMD Commission's recommendations concerning missiles and other delivery systems are "notably weak" in comparison to those regarding the nuclear and other weapons they carry.⁹ The recommendations are limited to strengthening non-proliferation measures and modest stability-enhancing mechanisms including launch notification and data exchange. They stand in stark contrast to those made by the Canberra Commission, which called for a "global treaty controlling longer range ballistic missiles" and as an interim step, exploration of a missile flight test ban.¹⁰ The WMD Commission's recommendations regarding missile defenses are, consequently, also weak.¹¹ The useful 2006 Report of the Secretary-General,¹² prepared by UNIDIR, was guided by UNGA resolution 59/67 (2004) requesting identification of "areas where consensus can be reached." Based on an assessment of the state of consensus or lack thereof, the UNIDIR Report recommends further work on missile-specific confidence-building measures, and further development of controls on man-portable air defense systems. Working based on the terms of the UNGA request, the UNIDIR Report thus reached similar conclusions to the WMD Commission. The group of experts now working pursuant to the resolution is also supposed to identify areas of possible consensus.

From the U.S. perspective, having ruled out universal controls on missiles and facing slow missile proliferation, the incentives become stronger for development of the shield of anti-missile systems and the sword of advanced delivery systems. In this context, the United States has begun development of a next generation of long-range delivery systems, from intercontinental ballistic missiles to new kinds of reentry vehicles deliverable by missile or perhaps in the future from reusable launch vehicles.¹³ Although some of these systems are envisioned as exploiting advances in accuracy to deliver conventional weapons by missiles at previously impracticable distances, they may also be capable of delivering nuclear weapons should a decision be made to do so. Meanwhile, the United States has deployed anti-ballistic missile interceptors in Alaska and California, and recently announced plans to do so in Poland with a radar installation in the Czech Republic. While the effectiveness of anti-missile systems remains very much in doubt, the destabilizing impact is already visible in the strong Russian reaction to the U.S. announcement, including reference to the possibility of increased Russian missile deployments. The consequences of the U.S. withdrawal from the ABM Treaty are beginning to be felt.

The backsliding of the WMD Commission from the Canberra Commission position reflects the "decline of arms control prospects over the last decade."¹⁴ While, to say the least, the times have not been propitious for far-reaching proposals, it is also the responsibility of analysts to come to grips with the realities of international security and answer the question: what is needed for the safety of the present generation and generations to come? I think that is a challenge the Advisory Board and the present Secretary-General should take up as well. Indeed, Kofi Annan did so, saying in remarks shortly before his term ended:

States that wish to discourage others from undertaking nuclear or missile tests could argue their case much more convincingly if they themselves moved quickly to bring

the Comprehensive Nuclear-Test-Ban Treaty into force, *halt their own missile testing, and negotiate a robust multilateral instrument regulating missiles*. Such steps would do more than anything else to advance the cause of non-proliferation.¹⁵

In a similar but more expansive spirit, *Nuclear Disorder or Cooperative Security* calls for establishment of “controls on delivery systems and anti-missile systems as part of a global process of reducing and eliminating nuclear forces, banning weapons in space, limiting strategic weapons generally, and implementing a policy of ‘non-offensive defense.’”¹⁶ The bottom line is that universal as well as regional and bilateral control of missiles and missile defenses needs to be put back on the agenda.

Institutional and Procedural Proposals

There is no shortage of ideas about institutional and process-oriented steps that could advance disarmament. While there is no substitute for political will, it is important to keep thinking about such steps. So I offer some brief comments on what I think are two of the more promising ones.

1) The Security Council terminated the mandate of UNMOVIC by resolution 1762 on June 29, 2007. In so doing, the Council noted “the accumulation of expertise, experience and maintenance of a roster of experts during UNMOVIC’s mandate,” and encouraged “Member States to maintain similar expertise for the future.” It deserves careful consideration whether the Secretary-General, UNODA, UNIDIR or other UN bodies, formally or informally, can also draw on and perpetuate that “accumulation of expertise,” especially with respect to areas not covered by the IAEA or the OPCW, namely missiles and biological weapons. That expertise is illustrated by UNMOVIC’s recent report on verification of missile disarmament.¹⁷

2) Recommendation 30 of the WMD Commission says: “All states possessing nuclear weapons should commence planning for security without nuclear weapons.” In remarks at the Carnegie Nonproliferation Conference on June 25, 2007, then UK Foreign Minister Margaret Beckett said that the United Kingdom will participate in a study planned by the International Institute of Strategic Studies to help determine the requirements for the eventual elimination of all nuclear weapons.¹⁸ Other weapon states should take similar initiatives. NGOs have already been doing this work for a number of years, as you will hear from the next speaker. My question for the Advisory Board is this: in addition to non-governmental and governmental planning for a nuclear weapons-free world, is there a role for the United Nations? Can UNODA or UNIDIR, which of course already have done much relevant work, launch or participate in international planning?

Conclusion

I have two points to make in closing.

First, there needs to be strong advocacy for disarmament coming from the Secretary-General and his new High Representative for Disarmament Affairs. The next several years clearly are an opportunity for progress. But the opportunity needs to be seized, and the Secretary-General and the High Representative have important parts to play.

Second, the objective should be achievement *within the foreseeable future* of a nuclear weapons-free world. The WMD Commission report is complex and multi-faceted, but there is no mistaking

the Commission's conviction that we must aim and work towards the *universal* prohibition of nuclear weapons. That is also the central message of *Nuclear Disorder or Cooperative Security*. The WMD Commission rejects the notion that "outlawing nuclear weapons is a utopian goal" and finds that a "nuclear disarmament treaty is achievable and can be reached through careful, sensible and practical measures."¹⁹ The next speaker, Felicity Hill, will describe a serious NGO effort to demonstrate that indeed, a nuclear disarmament treaty is achievable.

¹ Lawyers' Committee on Nuclear Policy, Western States Legal Foundation, Reaching Critical Will of the Women's International League for Peace and Freedom, *Nuclear Disorder or Cooperative Security? U.S. Weapons of Terror, the Global Proliferation Crisis, and Paths to Peace* (2007) ("*Nuclear Disorder or Cooperative Security*"). Contributing authors: John Burroughs, Jacqueline Cabasso, Felicity Hill, Andrew Lichterman, Jennifer Nordstrom, Michael Spies, Peter Weiss. Edited by Michael Spies and John Burroughs. Foreword by Zia Mian. Executive Summary and Recommendations online at <http://WMDreport.org/ngoreport.htm>. Order at <http://WMDreport.org>.

² Weapons of Mass Destruction Commission, Final Report, *Weapons of Terror: Freeing the World of Nuclear, Chemical and Biological Arms* (Stockholm, June 1, 2006) ("*Weapons of Terror*"). Online at http://www.wmdcommission.org/files/Weapons_of_Terror.pdf.

³ In addition to *Nuclear Disorder or Cooperative Security*, in these remarks I draw upon briefing papers I prepared for Middle Powers Initiative consultations with non-nuclear weapon states. See www.middlepowers.org.

⁴ In a July 3, 2007 joint statement, U.S. Secretary of State Condoleezza Rice and Russian Foreign Minister Sergei Lavrov said that they "discussed development of a post-START arrangement to provide continuity and predictability regarding strategic offensive forces. Upon instructions of the presidents, the sides will continue these discussions with a view towards early results." See also Dr. Christopher A. Ford, U.S. Special Representative for Nuclear Nonproliferation, Opening Remarks to the 2007 NPT PrepCom, April 30, 2007, Vienna, p. 4: "We are already beginning to work with our Russian colleagues to develop the contours of our strategic relationship to follow the Strategic Arms Reduction Treaty (START), and hope to build a strong and productive post-START relationship of transparency and confidence-building measures with Moscow." The statement is online at

<http://www.reachingcriticalwill.org/legal/npt/prepcom07/statements/30aprilUS.pdf>. According to Arms Control Today, "the two governments have agreed to prepare positions for future discussion on at least four issues: information exchanges, facility visits, missile launch notices, and noninterference with national technical means such as satellites." Wade Boese, "Nuclear Talks Waiting on the United States," Arms Control Today, July/August 2007.

⁵ *Weapons of Terror*, p. 18 and Recommendation 18. The Chairman's summary of the NPT PrepCom states that: "States parties noted that START I and the Moscow Treaty were due to expire in 2009 and 2012 respectively, and called for bilateral follow-up agreements. It was stressed that the principles of irreversibility, verifiability and transparency should guide all nuclear disarmament measures." 2007 NPT PrepCom, Chairman's Working Paper, NPT/CONF.2010/PC.I/WP.72, May 4, 2007, para. 14. Unofficial version online at http://www.reachingcriticalwill.org/legal/npt/prepcom07/chair_sum.html.

⁶ Committee on International Security and Arms Control, National Academy of Sciences, *Monitoring Nuclear Weapons and Nuclear-Explosive Materials: An Assessment of Methods and Capabilities* (Washington: National Academy Press, 2005 ("*Monitoring Nuclear Weapons and Nuclear-Explosive Materials*"). Online at <http://www.nap.edu/catalog/11265.html>.

⁷ "Verification of nuclear disarmament: final report on studies into the verification of nuclear warheads and their components," working paper submitted by the United Kingdom to the 2005 NPT Review Conference, NPT/CONF.2005/WP.1, and previous working papers cited therein. Online at http://www.reachingcriticalwill.org/legal/npt/RevCon05/wp/verification_UK.pdf.

⁸ *Monitoring Nuclear Weapons and Nuclear-Explosive Materials*, pp. 219-220.

⁹ *Nuclear Disorder or Cooperative Security*, p. 107.

¹⁰ Report of the Canberra Commission on the Elimination of Nuclear Weapons, 1996. Online at http://www.dfat.gov.au/cc/cc_report_exec.html.

¹¹ *Nuclear Disorder or Cooperative Security*, p. 116.

¹² "The issue of missiles in all its aspects," Report of the Secretary-General, A/61/168 (20 July 2006).

¹³ *Nuclear Disorder or Cooperative Security*, pp. 110-114.

¹⁴ *Id.*, p. 108.

¹⁵ UN Secretary-General Kofi Annan, Lecture at Princeton University, November 28, 2006, SG/SM/10767 (emphasis added). Online at <http://www.un.org/News/Press/docs/2006/sgsm10767.doc.htm>.

¹⁶ *Nuclear Disorder or Cooperative Security*, p. 122.

¹⁷ “An improved missile verification system,” annex to Twenty-eighth quarterly report on the activities of the United Nations Monitoring, Verification and Inspection Commission in accordance with paragraph 12 of Security Council resolution 1284 (1999), S/2007/106 (23 February 2007).

¹⁸ “A World Free of Nuclear Weapons?” Remarks by Margaret Beckett, Secretary of State for Foreign and Commonwealth Affairs, United Kingdom, Carnegie International Nonproliferation Conference, June 25, 2007.

¹⁹ *Weapons of Terror*, p. 109.