

Introduction

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Nuclear Disorder or Cooperative Security? U.S. Weapons of Terror, the Global Proliferation Crisis, and Paths to Peace is a non-governmental response to the June 2006 report of the Weapons of Mass Destruction Commission, *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*.¹ Undertaken by three public interest organizations, Lawyers' Committee on Nuclear Policy, Western States Legal Foundation, and Reaching Critical Will of the Women's International League for Peace and Freedom, *Nuclear Disorder or Cooperative Security* draws on our experience and knowledge based upon long-term monitoring and advocacy regarding the Nuclear Non-Proliferation Treaty and the United Nations, the U.S. nuclear weapons complex, and U.S. high-technology military programs. It mostly praises, but sometimes criticizes, *Weapons of Terror*, and goes well beyond to provide a stand-alone analysis of U.S. nuclear weapons policies and programs in relation to the international security framework.

Nuclear Disorder or Cooperative Security is the centerpiece of our project, Civil Society Review of the Final Report of the WMD Commission (see www.WMDreport.org). The overarching goal of the project is to help turn United States foreign policy towards reliance on international cooperation, especially through multilateral treaty regimes, as a means of diminishing the risks posed by nuclear weapons to Americans and others around the world. Its premise is that the United States so far has squandered the historic opportunity presented by the end of the Cold War to drastically reduce its own and other countries' reliance on nuclear weapons, to prevent their spread and acquisition by terrorists, and to work for their global elimination. While the Clinton administration's rhetoric suggested it was aware of the opportunity, little actual progress was made. Instead of ushering in a new era of cooperative security, the military programs and policies put in place during the Clinton administration laid the groundwork for the Bush administration's unilateral and aggressive foreign policy, in which the potential use of nuclear weapons became more "thinkable." The Bush administration has affirmatively turned its back on the opportunity, adopting the attitude that nuclear weapons are a permanent and important feature of the landscape for the United States and a few other countries it deems responsible. This is both hypocritical and unsustainable. If the United States, with the most powerful military in history, overtly relies on nuclear weapons and the option of their first use to ensure its "national security," it should not be surprised if other countries seek to follow suit.

Under the Bush administration, the United States rejects the Comprehensive Test Ban Treaty; insists, contrary to many years of commitments and overwhelming expert opinion, that a yet-to-be negotiated treaty banning pro-

duction of fissile materials for nuclear weapons cannot be verified; in a 2002 U.S.-Russian treaty on nuclear arms reductions, abandoned the principles of verification and irreversibility developed in previous arms control agreements; expanded the declared role and potential uses of nuclear weapons in its security doctrines and capabilities; and has undertaken programs intended to maintain large, modernized nuclear forces for decades to come. In related areas of strategic arms control, the record is not much better. In 2001, the United States brought to an end seven years of negotiations on an agreement to create a verification regime for the existing ban on biological weapons, and in 2002 it withdrew from the Anti-Ballistic Missile Treaty. It has shown no interest in meeting the challenge of missile proliferation with global controls on missiles. And it has relied on a policy of “counterproliferation” by military means if necessary, a policy misleadingly, disastrously, and unlawfully applied in Iraq.

State of the Nuclear Non-Proliferation/Disarmament Regime

The consequences have been severe for the nuclear non-proliferation/disarmament regime based on 1968 Nuclear Non-Proliferation Treaty (NPT). Rightly called a cornerstone of international security, the NPT represents a grand bargain between states that then possessed nuclear weapons and other states prepared to renounce them. In exchange for recognizing the right of all states to develop and utilize nuclear energy for peaceful purposes, those states without nuclear weapons swore to never acquire them. Those states with nuclear weapons pledged to negotiate their elimination. More than 35 years later, the NPT is the most widely adhered to international security agreement after the UN Charter. Despite the few cases of actual or potential proliferation that dominate the headlines, the norm against acquiring nuclear weapons remains strong. Yet, the goal of global elimination of these weapons remains a distant dream. The current global stockpile is estimated to contain about 26,000 nuclear warheads,² as compared with more than 38,000 when NPT negotiations were completed in 1968.³ The U.S. arsenal is currently comprised of about 10,000 warheads, with about one-half operationally deployed, and another 2,000 in reserve.⁴ It is estimated that the U.S. will have about 6,000 warheads in 2012.⁵ The current Russian stockpile is estimated to contain about 15,000 warheads, with over 5,000 operational.⁶ Israel, France, China, and Britain each have hundreds of warheads; India and Pakistan each have scores of warheads; and North Korea has a few.⁷

Until the early 1990s, the confrontation between the superpowers, and the ever-present threat of mutually-assured destruction, prevented progress. At the end of the Cold War, the international community expected to seize the opportunity for escape from the nuclear nightmare. And indeed there were signs of movement. In 1995, the year that the NPT had to be renewed or expire, the United States and other nuclear weapon states pressed for the treaty to be extended indefinitely. They achieved this by agreeing to a set

of commitments including the negotiation of a treaty banning nuclear test explosions, a treaty banning the production of fissile materials for use in nuclear weapons, and the “determined pursuit by the nuclear weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons.” In a 1996 advisory opinion, the International Court of Justice found that threat or use of nuclear weapons is generally contrary to international law regulating the conduct of warfare, and that states have an obligation to pursue in good faith and conclude negotiations on nuclear disarmament.⁸

The NPT Review Conference held in 2000 resulted in the unanimous adoption of 13 “practical steps for the systematic and progressive efforts to achieve nuclear disarmament.” In those steps, the United States and other participating states declared their unequivocal undertaking to eliminate nuclear arsenals and committed among other things to application of the principles of verification and irreversibility to reduction and elimination of nuclear arsenals, reduction of the operational status of nuclear forces, and a diminishing role of nuclear weapons in security policies. If implemented, the program of practical steps would lead to realization of a nuclear-weapon-free world.

But in recent years the regressive U.S. policies outlined above, along with the acquisition of nuclear weapons by North Korea, the ongoing confrontation with Iran over its quest to acquire a uranium-enrichment capability, and the intense disappointment of Arab states regarding the failure to take steps to achieve a nuclear-weapon-free Middle East, have caused many to fear for the survival of the nuclear non-proliferation/disarmament regime. Two episodes dramatized the crisis: the 2005 NPT Review Conference ended without reaching any substantive agreement, largely because the United States refused to permit any reference to commitments made at previous conferences; and heads of state at the 2005 World Summit were unable to agree on a single word regarding nuclear non-proliferation and disarmament.

Enter the WMD Commission Report

The June 2006 release of the report of the Weapons of Mass Destruction (WMD) Commission thus was extremely timely. Established by the government of Sweden in 2003, the Commission operated independently of any government or international organization. It was chaired by Hans Blix, former Director General of the International Atomic Energy Agency and former head of UNMOVIC,⁹ the UN body that conducted inspections in Iraq regarding possible biological and chemical weapons and missile programs. Its members were distinguished experts from around the world, among them Jayantha Dhanapala, chair of the 1995 NPT Review and Extension Conference and former UN Under-Secretary-General for Disarmament Affairs, and William Perry, former U.S. Secretary of Defense. As Blix’s preface to *Weapons of Terror* indicates, the formation of the Commission in

part was inspired by the conviction that the U.S./UK invasion of Iraq was the wrong way to deal with feared acquisition of nuclear, biological, and chemical weapons, and that the international community (and the United States) needs to find a more constructive and effective response to proliferation.¹⁰ It would appear as well that the Commission was intended as a means of continuing deliberation and agenda-setting regarding control and elimination of nuclear weapons that had been brought to an abrupt end in the NPT and other official international settings with the advent of the Bush administration in early 2001 and then the September 2001 terrorist attacks. Sweden is part of the New Agenda coalition of non-nuclear weapon states that successfully pressed for adoption of the practical steps for disarmament at the 2000 NPT Review Conference.

The Commission's mandate was to examine ways and means to achieve "the greatest possible reduction of the dangers of weapons of mass destruction," aiming at "preventing the further spread of weapons as well as at their reduction and elimination," with attention as well to the problem of terrorist acquisition.¹¹ *Weapons of Terror* analyzes the threats posed by chemical and biological weapons, and recommends measures to strengthen the existing bans on those weapons contained in multilateral agreements, the Chemical Weapons Convention and the Biological Weapons Convention. The bulk of its analysis and recommendations, however, is focused upon nuclear weapons and related treaties and international institutions. The Commission's approach is multifaceted and comprehensive; many proposals are advanced for preventing proliferation and reducing the role and number of nuclear weapons in those states that possess them. Considerable attention is devoted to the necessity and means of averting the acquisition of nuclear weapons by additional states. The Commission characterizes the nuclear age as marked by three waves of proliferation: first, the United States, Soviet Union, Britain, France, and China; second, Israel, India, and Pakistan, as well as South Africa until it dismantled its arsenal; third, Iraq and Libya, both of whose programs were reversed, North Korea, and possibly Iran.¹² It remarks that "[i]f Iran and North Korea do not reliably renounce nuclear weapons, pressure could build for a fourth wave of proliferation."¹³

There is no mistaking, though, the thrust of the Commission's report: the world must aim and work towards *universal* prohibition of nuclear weapons. The Commission states that it

rejects the suggestion that nuclear weapons in the hands of some pose no threat, while in the hands of others they place the world in mortal jeopardy. Governments possessing nuclear weapons can act responsibly or recklessly. Governments may also change over time. Twenty-seven thousand nuclear weapons are not an abstract theory. They exist in today's world. The Hiroshima and Nagasaki bombs, each of which had an explosive yield of less than 20 kilotons of TNT, killed some 200,000 people. The W-76—the standard

nuclear warhead used on US Trident submarine-launched ballistic missiles—has a yield of up to 100 kilotons.¹⁴

It recommends acceptance of “the principle that nuclear weapons should be outlawed, as are biological and chemical weapons,” and calls for exploration of “the political, legal, technical and procedural options for achieving this within a reasonable time.”¹⁵ Endorsing the idea that nuclear weapons can be prohibited by multilateral agreement as chemical and biological weapons already are, the Commission finds that a “nuclear disarmament treaty is achievable and can be reached through careful, sensible and practical measures.”¹⁶

As the Commission acknowledges and seeks to build upon,¹⁷ it is the latest in a series of prestigious international bodies that have sought to set the world on a course away from reliance on nuclear weapons.¹⁸ The 1982 Independent Commission on Disarmament and Security, headed by Swedish Prime Minister Olaf Palme, produced *Common Security: A Blueprint for Survival*.¹⁹ It states: “International security must rest on a commitment to joint survival rather than on a threat of mutual destruction.”²⁰ The 1996 Report of the Canberra Commission on the Elimination of Nuclear Weapons states that:

[I]mmediate and determined efforts need to be made to rid the world of nuclear weapons and the threat they pose to it. The destructiveness of nuclear weapons is immense. Any use would be catastrophic.

The proposition that nuclear weapons can be retained in perpetuity and never used—accidentally or by decision—defies credibility. The only complete defence is the elimination of nuclear weapons and assurance that they will never be produced again.²¹

The 1999 Report of the Tokyo Forum for Non-Proliferation and Disarmament states: “The international community has reached a crossroads at which it must choose between the assured dangers of proliferation and the challenges of disarmament.”²²

Aims of Nuclear Disorder or Cooperative Security

The question naturally arises, why have these and similar calls for action preceding the WMD Commission report failed to yield results? Despite the recurring sense of crisis over the last 25 years and the apparent authority and persuasiveness of the prescriptions for change, there has been an inability to gain traction in the major powers, especially the United States. It is true that the Canberra Commission report helped shape the 2000 NPT agenda for achievement of a nuclear-weapon-free world, but the United States and other nuclear weapon states subsequently ignored that agenda.

Our project and this book seek to make a contribution to changing that outcome. We analyze the application of the WMD Commission recommen-

dations to U.S. policy regarding nuclear weapons and make our own; describe existing policy, its sources, and obstacles to changing it; and advance ideas for changes in values and organizing strategies. We integrate the global perspective represented by (but not limited to) the WMD Commission into an understanding of the nature of policies and politics in the United States. And we plan to use the book in outreach efforts as part of campaigning for a change in U.S. policy to work for, rather than obstruct, achievement of a nuclear-weapon-free world. In doing all this, we are heeding the call of the WMD Commission—which seems quite aware of the fate that has befallen previous reports—for “NGOs all over the world to renew their demands for transparency, free debate on WMD and the eventual elimination of all related threats.”²³

Our focus is on the United States for two reasons. First, two of the sponsoring organizations, Lawyers’ Committee on Nuclear Policy and especially Western States Legal Foundation, while familiar with and active in international settings, have developed in-depth analysis and information regarding U.S. nuclear weapons, other strategic weapons, and the nuclear weapons complex. Second, the United States is the decisive actor in setting the tone and agenda on nuclear weapons and related international security matters. However, we do not wish to minimize the importance of changing the policies of all states possessing nuclear weapons, or the difficulties to be overcome in doing so.

Some Problems with the WMD Commission Report

In one important respect, *Nuclear Disorder or Cooperative Security* parts company with the WMD Commission: we decline to use the phrase “weapons of mass destruction” or the term “WMD.” The Commission begins its report by declaring: “Nuclear, biological and chemical weapons are rightly called weapons of mass destruction (WMD).”²⁴ Yet it also acknowledges that there “are significant differences in the use, effects, legal status and strategic importance of nuclear, chemical and biological weapons.”²⁵ While the Commission does recognize that some “regard the differences as so significant that they will not lump the three types of weapons together under the single term of WMD,” it does not explain why, finessing the critical distinctions by explaining that “as weapons of mass terror all three categories fall under the same stigma.”²⁶

It is true that nuclear, biological, and chemical weapons may all be characterized as “weapons of mass terror,” but to paraphrase George Orwell, some WMD are more equal than others. It is generally recognized that the horrendous damage that chemical and biological agents can inflict typically does not begin to approach the massive level of destruction and radioactive contamination that can be wrought by a single nuclear weapon. Chemical and biological weapons, while frightening and capable of killing those affected in a gruesome way, are difficult to use, especially in ways that kill thousands

of people. Their effects are hard to control, and vary greatly depending on topographic and atmospheric conditions.

Nuclear weapons, in contrast, are true weapons of mass destruction. The two atom bombs the United States dropped on the Japanese cities of Hiroshima and Nagasaki in August 1945 were “small” and “primitive” by today’s standards. Tens of thousands of men, women, and children were instantly incinerated, and by the end of that year at least 200,000, mostly civilians, were dead. Subsequent diseases and mutagenic effects still are not fully known or understood. A single modern nuclear warhead weighing a few hundred pounds can destroy a city in an instant, killing hundreds of thousands of people. One analyst calculated that a single 150 kiloton nuclear warhead, about ten times larger than the Hiroshima bomb and the size of the most numerous type in the current U.S. stockpile, if detonated over Mumbai, India, could kill more than eight million people and cause untold injuries, illnesses, and genetic effects.²⁷ The International Court of Justice, ruling on the threat or use of nuclear weapons in 1996, emphasized their unique characteristics: their “destructive capacity, their capacity to cause untold human suffering, and their ability to cause damage for generations to come.”²⁸

It is, unfortunately, not just a matter of terminological correctness. Lumping nuclear, biological, and chemical weapons together under the WMD umbrella increases the likelihood that nuclear weapons will be used. U.S. counterproliferation policy equates the threats posed by all three types of weapons and increases the number of potential scenarios under which nuclear weapons might be used, thus significantly lowering the threshold for the use of nuclear weapons.

In this book, therefore, we distinguish between the three types of terrible weapons and refer to them individually, or together as “NBC weapons.”

Other major differences between our analysis and that of the WMD Commission concern treatment of missiles and nuclear power. The Commission takes too timid an approach regarding disarmament of missiles. Regarding nuclear power, the Commission explores options for controlling uranium enrichment and plutonium separation activities in order to minimize the associated risk of nuclear weapons acquisition. But, it fails to even mention the possibility of phasing out the use of nuclear power for electricity generation and other non-military purposes, a course of action that we support.

Organization of the Book

Nuclear Disorder or Cooperative Security is divided into four parts: The International Framework, The U.S. Record, Global Problems and Global Solutions, and Civil Society and Change. Each part contains several sections. While individual authors are identified for each section, the three sponsoring organizations generally endorse the analysis and recommendations throughout the book. Relevant observations and recommendations of the WMD

Commission are placed at the beginning of each section. Our analysis mostly agrees with and elaborates upon them; sometimes they are criticized. Our recommendations follow each section, and are collected together at the end.

In the first three sections of Part I, *The International Framework*, John Burroughs, executive director of the Lawyers' Committee on Nuclear Policy (LCNP), explains the essential role of treaty regimes and international law in controlling and eliminating nuclear, biological, and chemical weapons; describes the evolution of the Nuclear Non-Proliferation Treaty and summarizes the 1996 advisory opinion on nuclear weapons of the International Court of Justice; and critically evaluates the developing role of the UN Security Council in enforcing non-proliferation requirements and enacting global legislation. In the last section of Part I, Jennifer Nordstrom, project manager of *Reaching Critical Will* (RCW), a project of the Women's International League for Peace and Freedom (WILPF), describes the currently dysfunctional state of the Conference on Disarmament in undertaking negotiations on fissile materials, prevention of weaponization of space, and other matters.

In the first section of Part II, *the U.S. Record*, Burroughs explains how the United States has failed to comply with NPT disarmament obligations and commitments. In the next two sections, Jacqueline Cabasso, executive director of the Western States Legal Foundation (WSLF), describes the development of aggressive U.S. doctrine regarding potential use of nuclear weapons, and details the extensive U.S. programs for research and development of nuclear weapons. In the following section, Andrew Lichterman, WSLF's principal research analyst, describes a too-little noticed dimension of U.S. nuclear and strategic forces, the development of missiles and other advanced delivery systems. He also examines U.S. rationales for development of missile defenses, and comments on the much-noticed U.S. interest in space-based systems.

In the first section of Part III, *Global Problems and Global Solutions*, Michael Spies, LCNP program associate, assesses the claim that nuclear power should be employed to lessen climate change and examines the connection between the spread of nuclear fuel-cycle technology and potential acquisition of nuclear weapons by new states. In the second section, he analyzes the contested questions of law and policy raised by Iran's effort to build a uranium enrichment capability that would enable it to fuel nuclear reactors, or if it so chose, make material for nuclear weapons. In the third section, Burroughs explores key issues raised by the objective of abolishing nuclear weapons: legal/institutional modalities; verification of a nuclear-weapon-free world; and the relationship to comprehensive disarmament encompassing other major weapons systems.

Finally, in Part IV, *Civil Society and Change*, Peter Weiss, LCNP president, offers reflections on the role of language in defining problems and agendas for action; Nordstrom and Felicity Hill, a member of WILPF and the founder of RCW, examine how gender structures discourse about nuclear weapons and security; and Cabasso analyzes the relationship of

understandings of “security” to nuclear disarmament and calls for redefining the meaning of security.

Nuclear Disorder or Cooperative Security delves into complex aspects of the 60 year-old nuclear age and how to bring it to a close. But the fundamental point is this: the United States must end its reliance on nuclear weapons and work to bring about their global elimination.