

Section 2.1: Article VI Non-Compliance

- 1 “The Commitment of the United States to Implementation of Article VI of the Treaty on Nonproliferation of Nuclear Weapons,” submitted by the United States to the 2005 NPT Review Conference, New York, May 2-11, 2005. Online at <http://www.reachingcriticalwill.org/legal/npt/RevCon05/nonpapers/USArtVI.pdf>. See also Stephen G. Rademaker, “Statement by Stephen G. Rademaker, U.S. Assistant Secretary of State for Arms Control,” Statement to the 2005 NPT Review Conference, New York, May 2, 2005. Online at <http://www.reachingcriticalwill.org/legal/npt/RevCon05/GDstatements/U.S.pdf>.
- 2 See the Natural Resource Defense Council’s Archive of Nuclear Data at <http://www.nrdc.org/nuclear/nudb/datainx.asp>, and Robert Norris and Hans Kristensen, “U.S. nuclear forces, 2007,” *Bulletin of the Atomic Scientists*, January/February 2007, pp. 79-82.
- 3 “NPT/CONF.1995/32: Principles and Objectives for Nuclear Non-Proliferation and Disarmament,” 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, New York, 1995.
- 4 *Weapons of Terror*, p. 94.
- 5 *Id.*, p. 53.
- 6 CD 1308, April 6, 1995, later issued as a document of the 1995 Review and Extension Conference (NPT/CONF.1995/20).
- 7 The following analysis of research and development, and portions of the rest of this section, draw upon Middle Powers Initiative, “Fulfilling the NPT Bargain for Disarmament and Non-Proliferation: *Next Steps*,” Briefing Paper for the Third Meeting of the Article VI Forum, Ottawa, September 28-29, 2006. The paper was prepared by John Burroughs, Lawyers’ Committee on Nuclear Policy.
- 8 See, “Compliance Assessment: The NPT Declared Nuclear Weapon States,” Part One, Civil Society Presentation to the 2005 NPT Review Conference, Lawyers’ Committee on Nuclear Policy and Western States Legal Foundation, May 2005. Online at <http://lcnp.org/disarmament/npt/ArtVIcompliance.pdf>.
- 9 Bruno Tertrais, “Nuclear policy: France stands alone,” *Bulletin of the Atomic Scientists*, July/August 2004, pp. 48-55.
- 10 Robert S. Norris and Hans M. Kristensen, “Russian Nuclear Forces, 2006,” *Bulletin of the Atomic Scientists*, March/April 2006, pp. 64-67.
- 11 Jonathan Medalia, *Nuclear Weapons: The Reliable Replacement Warhead Program*, Congressional Research Service, updated: March 9, 2006; Amb. Linton Brooks, Administrator, National Nuclear Security Administration, “The Future of the U.S. Nuclear Weapons Stockpile,” Arms Control Association Panel Discussion, January 25, 2006 (“Brooks”). Online at http://www.armscontrol.org/pdf/20060125_brooks.pdf.
- 12 Michael Smith, “Focus: Britain’s secret nuclear blueprint,” *The Sunday Times*, March 12, 2006.
- 13 Alan Cowell, “Blair Wins Vote to Renew Atom Arsenal,” *New York Times*, March 15, 2007.
- 14 Steve Henry, Deputy Assistant to the Secretary of Defense for Nuclear Matters, statement cited in: Jonathan Medalia, *Nuclear Weapons: The Reliable Replacement Warhead Program*, Congressional Research Service, March 9, 2006.
- 15 Secretary of Energy Advisory Board, Nuclear Weapons Complex Infrastructure

- Task Force, "Recommendations for the Nuclear Weapons Complex of the Future," U.S. Department of Energy, July 13, 2005.
- 16 *Brooks*.
 - 17 Robert S. Norris and Hans M. Kristensen, "U.S. Nuclear Forces, 2006," *Bulletin of the Atomic Scientists*, January/February 2006 ("Norris and Kristensen"), pp. 68-71; Greg Mello, "That Old Designing Fever," *Bulletin of the Atomic Scientists*, January/February 2000, pp. 51-57.
 - 18 John A. Gordon, Under Secretary for Nuclear Security and Administrator, National Nuclear Security Administration, Statement to the Senate Armed Services Committee, February 14, 2002. Online at http://www.senate.gov/~armed_services/statemnt/2002/Gordon.pdf.
 - 19 Natural Resources Defense Council; *NPR Excerpts*. See also Andrew Lichterman, "Missile of Empire: America's 21st Century Global Legions," Western States Legal Foundation Information Bulletin, Fall 2003, pp. 3-9.
 - 20 As quoted in "U.S. Signals Abandonment of Nuclear Disarmament," *Agence France Presse*, March 4, 2006.
 - 21 Committee on Technical Issues Related to Ratification of the Comprehensive Nuclear Test Ban Treaty, National Academy of Sciences, *Technical Issues Related to the Comprehensive Nuclear Test Ban Treaty*, National Academy Press, Washington, 2002. Online at <http://newton.nap.edu/catalog/10471.html>.
 - 22 Dr. Robert Civiak, "The Reliable Replacement Warhead Program: A Slippery Slope to New Nuclear Weapons," Tri-Valley CAREs, January 2006.
 - 23 *Medalia*.
 - 24 U.S. Mission to the United Nations in Geneva, "White Paper on a Fissile Material Cutoff Treaty," Press Release, May 18, 2006. Online at <http://www.ipfmlibrary.org/usm06.pdf>.
 - 25 See International Panel on Fissile Materials, *Global Fissile Material Report 2006*, Princeton University, Princeton, NJ, 2006, pp. 43-49. See also *Weapons of Terror*, p. 104.
 - 26 *Weapons of Terror*, p. 104.
 - 27 Hans Kristensen, "US Air Force Decides to Retire Advanced Cruise Missile," *Strategic Security Blog*, Federation of American Scientists, March 7, 2007. Online at http://www.fas.org/blog/ssp/2007/03/us_air_force_decides_to_retire.php.
 - 28 *Id.*, p. 93.
 - 29 *Norris and Kristensen*.
 - 30 See estimates by Bruce Blair, president of the Center for Defense Information, cited in John Burroughs, "The Man Who Averted Nuclear War," *DisarmamentActivist.org*, January 19, 2006. Online at <http://disarmamentactivist.org/2006/01/19/the-man-who-averted-nuclear-war/>.
 - 31 *E.g.*, David E. Mosher, Lowell H. Schwartz, David R. Howell, and Lynn E. David, *Beyond the Nuclear Shadow: A Phased Approach for Improving Nuclear Safety and U.S.-Russian Relations*, RAND, 2003. Online at <http://www.rand.org/publications/MR/MR1666>.
 - 32 "Nuclear Posture Review [Excerpts] Submitted to Congress on 31 December 2001" ("*NPR Excerpts*"). Online at <http://www.globalsecurity.org/wmd/library/policy/dod/npr.htm>.
 - 33 Joseph Cirincione, Director, Non-Proliferation Project, Carnegie Endowment for International Peace, "A Deeply Flawed Review," Testimony before the Senate Committee on Foreign Relations, May 16, 2002. Online at <http://www>.

carnegieendowment.org/publications/index.cfm?fa=view&id=988&prog=zgp&proj=znpp.

- 34 *NPR Excerpts*; William M. Arkin, "Secret Plan Outlines the Unthinkable," *Los Angeles Times*, March 10, 2002; Walter Pincus, "U.S. Nuclear Arms Stance Modified by Policy Study," *Washington Post*, March 23, 2002. Pincus wrote that the NPR "would give U.S. presidents the option of conducting a preemptive strike with precision-guided conventional bombs or nuclear weapons" against "hostile countries that threaten to use weapons of mass destruction."
- 35 *NPR Excerpts*.
- 36 *Weapons of Terror*, p. 90.

Section 2.2: Preventive War and Counterproliferation

- 1 White House, "National Security Strategy of the United States of America, Section V," September 2002. Online at <http://www.whitehouse.gov/nsc/nss.pdf>. This doctrine was reaffirmed in Bush's second term National Security Strategy, released March 16, 2006, which states: "the United States will, if necessary, act preemptively in exercising our inherent right of self-defense." Online at <http://www.whitehouse.gov/nsc/nss/2006/sectionV.html>.
- 2 See Nicole Deller and John Burroughs, "Jus ad Bellum: Law Regulating Resort to Force," *Human Rights*, Vol. 30, No. 1, 2003, pp. 8-11. Online at <http://www.abanet.org/irr/hr/winter03/lawregulatingresorttoforce.html>. See also Peter Weiss, "The UN Charter and the Iraq War," New York session of the World Tribunal on Iraq, May 8, 2004, online at <http://lcnp.org/global/UNCharterIraqWar.htm>; and Andrew Lichterman and John Burroughs, "War Is Not the Path to Peace: The United States, Iraq, and the Need for Stronger International Legal Standards to Prevent War," Western States Legal Foundation and Lawyers' Committee on Nuclear Policy, October 24, 2002. Online at <http://lcnp.org/global/IraqLetter.htm>.
- 3 Ralph Bunche, "Some Reflections on Peace in Our Time," Nobel Lecture, University of Oslo, Oslo, December 11, 1950. Online at http://nobelprize.org/nobel_prizes/peace/laureates/1950/bunche-lecture.html.
- 4 *Weapons of Terror*, p. 56.
- 5 George Perkovich, "Deconflating 'WMD'," WMD Commission background paper No. 17, October 2004, p. 1. Online at <http://www.wmdcommission.org/files/No17.pdf>.
- 6 *Id.*, p. 9.
- 7 Hans Kristensen, *Nuclear Futures: Proliferation of Weapons of Mass Destruction and U.S. Nuclear Strategy*, BASIC Research Report 98.2, British American Security Information Council, London, March 1998, p. 10. Online at [http://www.basicint.org/pubs/Research/1998nuclearfutures\(2\).pdf](http://www.basicint.org/pubs/Research/1998nuclearfutures(2).pdf). This report provides a detailed account of the shift in U.S. nuclear weapons targeting policy towards greater emphasis on broadly defined "weapons of mass destruction" threats" during the 1990s.
- 8 United States Joint Chiefs of Staff, Joint Pub 3-12.1: *Doctrine for Joint Theater Nuclear Operations*, February 9, 1996, p. I-3. Online at http://www.fas.org/nuke/guide/usa/doctrine/dod/jp3_12_1.pdf.
- 9 *Id.*, p. viii.