

Toward Nuclear Abolition

JOHN BURROUGHS

RECOMMENDATIONS OF THE WMD COMMISSION

Accept the principle that nuclear weapons should be outlawed, as are biological and chemical weapons, and explore the political, legal, technical and procedural options for achieving this within a reasonable time. (*Weapons of Terror*, 19)

A key challenge is to dispel the perception that outlawing nuclear weapons is a utopian goal. *A nuclear disarmament treaty is achievable and can be reached through careful, sensible and practical measures.* Benchmarks should be set; definitions agreed; timetables drawn up and agreed upon; and transparency requirements agreed. Disarmament work should be set in motion. (*Weapons of Terror*, 109; emphasis supplied)

Recommendation 19: Russia and the United States, followed by other states possessing nuclear weapons, should publish their aggregate holdings of nuclear weapons on active and reserve status as a baseline for future disarmament efforts. They should also agree to include specific provisions in future disarmament agreements relating to transparency, irreversibility, verification and the physical destruction of nuclear warheads.

Recommendation 30: All states possessing nuclear weapons should commence planning for security without nuclear weapons. They should start preparing for the outlawing of nuclear weapons through joint practical and incremental measures that include definitions, benchmarks and transparency requirements for nuclear disarmament.

For more than a decade, civil society groups have been advocating for a comprehensive approach to the abolition of nuclear weapons. In the mid-1990s, a group of NGOs and experts, coordinated by the Lawyers' Committee on Nuclear Policy, drafted a model convention for the prohibition and elimination of nuclear weapons. It was subsequently circulated by the UN Secretary-General within the United Nations as a discussion document. The concept is analyzed in *Securing our Survival: The Case for a Nuclear Weap-*

ons Convention, which also contains the model treaty.¹ A great virtue of the WMD Commission report is that it is likewise unequivocal about the aim of prohibiting nuclear weapons. It calls for acceptance of “the principle that nuclear weapons should be outlawed,” and states that “a nuclear disarmament treaty is achievable.”² This section explores some of the key issues relating to nuclear abolition: what treaty or treaties are needed; the challenge of verification; and the relationship to general demilitarization.

A Framework Approach or a Convention?

It is not only NGOs and now the WMD Commission that have pointed to the need for a comprehensive approach to the elimination of nuclear weapons. The International Court of Justice evokes such an approach in its statement of the disarmament obligation: “bring to a conclusion negotiations on *nuclear disarmament in all its aspects under strict and effective international control*.”³ An annual General Assembly resolution, following up to the Court’s opinion, calls for commencement of “negotiations leading to the early conclusion of a nuclear weapons convention.”⁴ Every year since 1996 it has been adopted by large majorities but also with abstentions or negative votes from a significant number of states, notably those allied or associated with the Western nuclear weapon states. Also noteworthy is the 2000 resolution “Towards a Nuclear-Weapon-Free World: The Need for a New Agenda.” Among many other provisions, it affirms “that a nuclear-weapon-free world will ultimately require the underpinnings of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments.”⁵ The resolution is especially significant because it received very wide support, including from the U.S. government, then under the Clinton administration.

The two resolutions reveal a divergence of opinion regarding the legal and institutional means for the abolition of nuclear weapons, the first calling for a “*convention*,” the second referring to an “instrument” (like a convention) or a “*framework*.” A convention on elimination of nuclear weapons is a single, comprehensive, global agreement, like the Chemical Weapons Convention, the most far-reaching disarmament measure adopted to date. A framework as envisaged by the New Agenda resolution would tie together agreements and institutions that now exist as well as ones yet to be created. It could, for example, incorporate some or all of the following:

- the NPT, which already bans possession by 183 countries;
- the Comprehensive Test Ban Treaty, still to enter into force;
- a Fissile Materials Cut-off Treaty, not yet negotiated, but on the present international agenda;
- Security Council resolution 1540;
- bilateral or regional agreements on elimination of nuclear weapons;
- an agreement on elimination among states that possess nuclear

- weapons plus other representative states;
- an agreement providing the IAEA authority and resources to verify nuclear disarmament, or establishing a new agency for this purpose;
- an agreement on governance for the regime.

Advocates of a convention tend to see its negotiation as taking place in the near term. In contrast, the New Agenda framework approach is linked to a long-term process involving many steps and measures. This points to the possibility of finalization by an overarching agreement near the end of the process. The differences should not be artificially magnified. A convention that superseded existing agreements could come at the end of a disarmament process, and a convention that was early in the process could take the form of a framework agreement that incorporates existing agreements and provides for the future negotiation of additional ones.

Verification of a Nuclear-Weapon-Free World

Many tools exist for effective monitoring and verification, especially with respect to declared facilities, warheads, and fissile materials, as shown by studies undertaken this decade by Britain⁶ and the Committee on International Security and Arms Control of the U.S. National Academy of Sciences.⁷ However, achieving confidence in the implementation of the reduction and elimination of arsenals remains challenging, principally due to the possibility of hidden stocks of materials, warheads, or capabilities. The National Academy study found that confidence would increase based on monitoring programs undertaken on an ongoing, long-term basis in an atmosphere of transparency and cooperation.⁸ The implication is that verification and transparency measures need to be implemented beginning *now*, above all regarding U.S. and Russian stocks and reductions (*see section 2.1*). More broadly, all nuclear weapons possessing states must initiate processes to apply the principles of verification, transparency, and irreversibility to reduction and elimination of their arsenals. Declarations of fissile materials contained in military stocks and warheads, as recommended by the International Panel on Fissile Materials, is one of the first steps that could be taken.⁹

The WMD Commission understands the challenges posed by verification of abolition, as comes through in Recommendations 19 and 30. The Commission's choice of the term "outlawing of nuclear weapons" suggests a belief that agreement on the prohibition of nuclear weapons should not be made dependent on certainty that no warheads or stocks of weapons-usable fissile material have escaped elimination or disposition. A similar problem exists to a much greater extent with respect to biological weapons, yet their prohibition by treaty is well accepted.

Comprehensive Demilitarization?

Comprehensive demilitarization and institutionalization of conflict prevention would, as the program statement of Global Action to Prevent War says, “create an environment more conducive to the enduring elimination of all nuclear, chemical, and biological weapons.”¹⁰ *Weapons of Terror* gestures in this direction, in particular by noting in its final section that “the perspective of a world free of WMD must be supplemented by the perspective of a world in which the arsenals of conventional weapons have been reduced drastically.”¹¹ U.S. advances in delivery systems underscore the point; they may cause other states to be reluctant to relinquish their nuclear arsenals (*see section 2.4* and its recommendation of limitations on strategic systems). However, we must be wary of positing achievements in these areas as *preconditions* for the elimination of nuclear weapons, and *Weapons of Terror* rightly does not do so. That position would be seized upon by states determined to maintain their arsenals; the United States already wrongly claims that Article VI codifies such linkages.¹² It is certainly the case that as reduction and elimination of nuclear arsenals proceed, states will adjust their security relationships in other respects. Implementation of conventional disarmament and conflict prevention are necessary to ensure that reliance on nuclear weapons is not replaced by other forms of militarism.

Recommendation for U.S. Policy

- With Russia and other states possessing nuclear weapons, the United States should implement on an ongoing basis verification and transparency measures that make possible the achievement of a nuclear-weapon-free world.