

AUTHORS:

Alicia Godsberg
Research Associate, Strategic
Security Program and UN Affairs

Matt Buongiorno
Herbert Scoville Jr. Peace Fellow

SUMMARY:

The Treaty on the Non-proliferation of Nuclear Weapons (NPT) rests on 3 pillars: non-nuclear weapon states parties shall not acquire nuclear weapons; states parties will promote of the peaceful uses of nuclear energy; and states parties will pursue negotiations in good faith on nuclear disarmament. Review Conferences are held every 5 to discuss the Treaty's implementation. The next RevCon will be 3-28 May 2010 at the UN. This issue brief provides recommendations for the US delegation to the RevCon that FAS believes will promote President Obama's vision of a world free of nuclear weapons.

Recommendations for the U.S. Delegation to the NPT RevCon

For the last forty years, the Treaty on the Non-Proliferation of Nuclear Weapons, or the Nuclear Non-Proliferation Treaty (NPT), has endured as the cornerstone of the non-proliferation regime and remains the only legally binding multilateral agreement on nuclear disarmament. The twin NPT goals of nuclear non-proliferation and disarmament rest on the “three pillars” of the Treaty’s essential bargain: non-nuclear weapon states parties (NNWS) agree not to acquire nuclear weapons; states parties will work to promote of the peaceful uses of nuclear energy; and states parties will pursue negotiation in good faith on nuclear disarmament. Subsequent to the NPT’s entry into force in 1970, states parties have met every five years at NPT Review Conferences (RevCons) to discuss the Treaty’s implementation. The next RevCon is scheduled for 3-28 May 2010 at the United Nations in New York and will provide the U.S. a critical opportunity to advance the vision President Obama laid out in Prague of a world free of nuclear weapons. Below are recommendations for the U.S. delegation to the RevCon – arranged by the “three pillars” of the Treaty – that FAS believes will help promote President Obama’s vision and lead the world toward its realization.

To read the full report, please go to our website,
<http://www.fas.org/>

Pillar I: Non-Proliferation of Nuclear Weapons

Recommendation #1: Continue to advocate for multilateral measures that will prevent terrorist acquisition of nuclear weapons and materials.

One of the most important issues that should guide the United States’ agenda on nuclear non-proliferation at the NPT Review Conference is preventing nuclear terrorism and terrorist acquisition of nuclear materials. At the upcoming RevCon the United States should: support and contribute funding to the establishment of a UNSC 1540 ‘fund’ under which financial aid would

be granted to Member States to assist in meeting Resolution 1540 obligations; advocate for establishing the PSI as a durable international institution with its own Board of Directors, international staff, mandate, signatories, and accountability measures to enable Member States to actively work together to enforce interdiction measures; encourage and assist NPT states parties in tightening export controls to impede the illicit transfer of nuclear and/or enrichment-related materials; lead an effort to create an international standard for securing radiological materials at civilian sites, such as hospitals and universities; and propose mechanisms for the sharing of information between non-proliferation initiatives in order to strengthen the NPT's non-proliferation regime. These are all ways the U.S. can assume a leadership role and instigate change in the enforcement of non-proliferation initiatives to prevent acts of nuclear terrorism.

Recommendation #2: Better enforce security at nuclear weapon sites.

Perhaps one of the most significant measures that the United States can take is to urge all states with nuclear weapons, including our European allies, to endorse and meet stringent nuclear weapon site security requirements. Until nuclear weapons are dismantled and fissile materials eliminated, adequate security measures for nuclear weapons and materials that are properly enforced represent the best defense against the threat of nuclear terrorism. The U.S. can state nuclear weapon site security failures and the measures taken to remedy them as an example of how tighter security at nuclear weapon sites can be attained. For example, the incident during which six nuclear weapons went missing from Minot Air Force Base highlights the danger of maintaining the current high-levels of alert for U.S. nuclear weapons. De-mating nuclear warheads from their delivery systems would have prevented this incident from occurring; similarly, separating the basing of nuclear warheads from their missile delivery systems would prevent future accidental loading of nuclear warheads on missiles with conventional missions

Recommendation #3: Phase out U.S. forward-deployed nuclear weapons.

While the long-term solution to security issues at nuclear weapon sites is the outright elimination of all nuclear weapons, one near-term solution is repatriating U.S. nuclear bombs currently based in Europe as part of the North Atlantic Treaty Organization's (NATO's) nuclear sharing doctrine. Because these nuclear bombs are part of the collective defense of NATO, their removal will require consultation with our allies. At the upcoming RevCon the United States should state it will advocate for the inclusion of a timeline to gradually phase out forward deployment of U.S. nuclear weapons in NATO's upcoming new Strategic Concept. In addition, the United States should reaffirm the validity of its Article V collective security pledge, noting this includes both strategic nuclear forces as well as the entirety of our conventional forces. The successful dialogue with Japanese counterparts that assured them of the continued U.S. security commitment while simultaneously retiring the TLAM-N weapon system as an example of how phasing out forward-deployed nuclear weapons can be accomplished. The U.S. should also make clear to allies that high-level statements would be welcome to initiate the process of repatriating U.S. forward deployed nuclear weapons and/or to decrease reliance on the nuclear aspect of U.S. extended deterrent commitments

Pillar 2: Access to Nuclear Technology for Peaceful Purposes

Recommendation #4: Continue to advocate for multilateral fuel supply assurances and other multilateral efforts to manage the nuclear fuel-cycle.

President Obama is committed to the promotion of the peaceful uses of nuclear energy, but the proliferation risks associated with the spread of enrichment and reprocessing technology are a challenge to this pillar of the NPT. The U.S. should continue to support incentives for NNWS to participate in multilateral nuclear fuel supply assurances to address these concerns. For example, the U.S. should encourage NPT states parties to pressure the IAEA Board of Directors to adopt rules and regulations for an already fully funded nuclear fuel bank to be managed by the IAEA. In order to avoid such proposals as being perceived as discriminatory, the U.S. should emphasize that the goal of any fuel bank is to make market-based nuclear fuel supplies more secure by offering customer states in compliance with non-proliferation obligations access to nuclear fuel in the event of a disruption in supply. Fuel guarantees are not punitive, but rather in the interest of all states to prevent the risk of nuclear terrorism.

All proposals for multilateral nuclear fuel supply guarantees should be supported, with the understanding that different proposals are not in competition, but can meet the different needs of customer states. The U.S. could make an enormous impact on the outcome of the RevCon and greatly increase the potential for the adoption of multilateral nuclear fuel supply guarantees if it would call on all states parties that operate enrichment and/or reprocessing facilities (including the U.S.) to commit to a long-term, phased plan of putting them under multilateral control. This plan would begin by taking immediate steps to build the necessary institutions and frameworks for operating such technology in a way that does not further spread the knowledge on how it can be used for weapons purposes, while also engaging as many interested states parties as possible.

Recommendation #5: Strengthen the IAEA.

The IAEA is the UN agency that carries out the monitoring of peaceful nuclear programs through NPT-mandated safeguards agreements. With the projected increased spread of nuclear power generation around the world and potential new responsibilities in managing nuclear fuel supplies, the IAEA will need even more experts and funding to carry out its work. Therefore, the U.S. should announce it will substantially increase its funding of the IAEA and should encourage other NPT states parties to do the same.

The discovery of covert nuclear weapon programs in Iraq and Libya, along with suspected nuclear programs in Syria and Iran, illustrate the need for IAEA inspectors to have a greater capability to carry out their monitoring function. The U.S. should continue to advocate for all states parties to adopt the Additional Protocol (AP) to their NPT safeguards agreements in order to help the IAEA continue to certify the peaceful nature of nuclear programs. The U.S. should suggest states create incentives for adopting the AP in order to recast the AP as a necessary tool for international security and not as a punitive measure for potential non-compliance with non-proliferation obligations. For example, the U.S. could initiate work with other states parties on establishing objective criteria for violations of IAEA safeguards and other nuclear cooperation agreements and create a committee for this work and its enforcement on which states that have adopted the AP are represented.

Pillar 3: Nuclear Disarmament

Recommendation #6: Support the negotiation of further nuclear arms reductions with Russia and later with other nuclear-armed states.

The Obama administration has taken an important first step in nuclear arms reductions by completing the New START treaty with the Russian Federation. President Obama should reaffirm his administration's commitment to having Senate ratification of the New START treaty in 2010. The U.S. should also announce its readiness to begin negotiations on a new bilateral nuclear arms control treaty with Russia that addresses the issues of missile defense, tactical nuclear weapons, and nuclear weapons held as a "hedge" in storage. The U.S. can maximize good will from these efforts by stating that such negotiations are meant to further progress toward President Obama's vision of a nuclear weapon free world, and that this vision will necessarily include similar nuclear arms control negotiations with other nuclear-armed states as the arsenals of the U.S. and Russia substantially decrease.

Recommendation #7: Support the negotiation of a Nuclear Weapons Convention and urge other NWS to do the same.

The NPT has a mechanism to ensure compliance with its non-proliferation objective (i.e. IAEA safeguards agreements) but it does not have a similar mechanism to ensure compliance with the obligation in Article VI to negotiate in good faith toward nuclear disarmament. To show this good faith effort, and for the most comprehensive approach to achieving this goal of the NPT, the U.S. should support the Model Nuclear Weapons Convention (NWC). The Model NWC provides a phased, time-bound, irreversible, transparent, and verifiable method for achieving nuclear disarmament and has already been submitted to the UN and endorsed by Secretary General Ban Ki-moon.

Recommendation #8: Renew effort to fulfill past RevCon commitments.

In 1995 the NPT was extended indefinitely, removing the only power NNWS had to pressure NWS into fulfilling their nuclear disarmament obligation – discarding the Treaty. At the 1995 RevCon, NWS made several commitments to NNWS in order to get the Treaty indefinitely extended, which were later renewed at the next RevCon in 2000. The 2000 RevCon produced a consensus Final Document that included support from all states parties on the 13 Practical Steps toward nuclear disarmament. However, many of these commitments remain unfulfilled, and in 2005 the Bush administration rejected these commitments at that year's RevCon, further frustrating NNWS. The U.S. can strengthen the NPT at the upcoming RevCon by renewing its effort to fulfill these past commitments and urging other NWS to join them.

The U.S. should reiterate President Obama's commitment to U.S. ratification of the CTBT and to achieving the other necessary ratifications for that Treaty to enter into force at an early date. Similarly, President Obama's support for the negotiation of an effectively verifiable FMCT should be reiterated. The U.S. should stress that the new NPR changes U.S. declaratory policy from a more aggressive, preemptive strategy to one where the "fundamental use" of nuclear weapons is to deter nuclear attack on the U.S. and its allies. While this de-values nuclear weapons in U.S. security policy, it is not the "no-first use" policy many NNWS have hoped for. The NPR does however state the U.S.'s goal is to work toward an international security

environment in which a “no first use” policy would be acceptable, and the U.S. should work to make clear what those conditions would be.

The U.S. should support transparency and irreversibility in nuclear disarmament as confidence building measures that the U.S. is working in good faith toward its NPT obligations. For example, the U.S. should make clear that in the next round of arms control negotiations with Russia the U.S. will pursue irreversibility by verifiably destroying nuclear warheads removed from operational status (instead of removing them to storage for possible uploading). The U.S. could make an enormous impact on the RevCon by stating it will work for transparency in nuclear disarmament by declaring its nuclear weapon and fissile material stockpiles to the IAEA and committing to the submission of regular reports to the Agency. These reports should be declassified, so as to further increase transparency and build trust among states.

The new NPR did not reduce the operational readiness of the U.S. nuclear arsenal, which will likely be seen by NNWS as another example of an unfulfilled promise from the U.S. So-called “de-alerting” was formerly supported by President Obama, so this aspect of the NPR is disappointing. The U.S. should, however, consider alternative basing for ICBMs as a means to increase decision time on nuclear use, as advocated in the new NPR, until ready to reconsider more substantial stabilizing de-alerting measures, such as de-mating warheads from missiles.

Recommendation #9: Assure states parties that the U.S. will abstain from developing improved nuclear weapons while executing Life Extension Programs.

President Obama has stated that the U.S. will work toward a nuclear weapon free world, but also has stated that while other nations retain nuclear weapons the U.S. will maintain a safe, secure, and effective nuclear arsenal. The U.S. currently maintains its nuclear weapons without testing through the Stockpile Stewardship Program and its Life Extension Programs (LEPs). The U.S. should state its definition of a “new” nuclear weapon in order to assure NNWS that LEPs are not being used to create nuclear weapons with new military capabilities. By doing this, the U.S. can reassure NPT states parties that LEPs will maintain the U.S. stockpile without producing any “new” nuclear weapons, as defined, in order to obviate the need to return to nuclear testing. “New” nuclear weapons should be defined as those with improved military capabilities and/or those with pits or canned sub-assemblies designed after 2002.

About the Authors

Alicia Godsberg is the Research Associate for the Strategic Security Program and UN Affairs at FAS. She has opened an office for FAS in New York City to further advance FAS's advocacy on nuclear disarmament and nonproliferation issues and to engage FAS with the United Nations on a regular basis. Alicia will be attending, blogging from, and presenting at UN conferences and annual meetings, including the 2010 NPT Review Conference.

From October 2007 - May 2008 Alicia took a leave of absence from FAS to work as the research assistant for Dr. Ellen Williams on the Strategic Posture Review Commission. One of Alicia's writings for the Commission was published in the 2009 US Institute of Peace publication of Commission papers, *In The Eyes of the Experts*.

Prior to working at FAS Alicia worked as a research associate for the Lawyer's Committee on Nuclear Policy in New York. She is a graduate of The Graduate Center at the City University of New York (2007) with a master's degree in political science and of the University of Michigan with a B.S. in political science.

Matt Buongiorno is currently serving as a Scoville Fellow at the Federation of American Scientists where he is working on small arms issues, U.S. nuclear policy issues, and Iranian nuclear issues. He earned a B.A. in economics and political science from Texas Christian University in 2009 and graduated Phi Beta Kappa.