

This viewpoint is a slightly edited version of a special address given by Ambassador Moher to an International Workshop on Assessing the 1999 Session of the NPT PrepCom and Preparing for the 2000 NPT Review Conference, held at the Château de Divonne (France), June 6-8, 1999, organized by the International Organizations and Nonproliferation Project of the Monterey Institute of International Studies with the collaboration of the Programme for Promoting Nuclear Non-Proliferation.

The topic of this viewpoint, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and nuclear disarmament, is a daunting one, as it contains within it at least three basic challenges. The first is determining, often in the absence of detailed information, where we stand regarding world-wide nuclear disarmament. The second is outlining the elements of an effective nuclear disarmament agenda, and the third is relating that agenda to the future of the NPT.

There are also two dimensions to the discussion, since while on the one hand the NPT *creates* a context, on the other hand it *exists within* a context. Developments in each of these dimensions will be critical for the Treaty. To recapitulate, the NPT faces three basic challenges within two dimensions. This paper will try to deal with all of these as it outlines, in a necessarily brief way: first, a nuclear disarmament reality check; next, “the nuclear disarmament agenda;” third, “the future of the NPT;” and finally, a brief projection (but not a prediction!).

REALITY CHECK

To begin, a brief reality check. First, it is worth recalling that in 1987 there were, according to *The Bulletin of the Atomic Scientists*, an estimated 68,000 nuclear weapons held by the five NPT nuclear weapon states (NWS): 24,000 by the United States; 43,000 by the Russian Federation; 300 by the United Kingdom; 420 by France; and 420 by China. By 1997, estimates indicated

that this total had been reduced to approximately 36,000 nuclear weapons.¹ Looking ahead to 2007 and assuming optimistically that START II and its associated agreements will be ratified and implemented, as well as taking into account what can be extrapolated as regards

all five NWS, the United States will have roughly 8,500 *strategic* nuclear weapons, the Russian Federation will have approximately 9,000, and the United Kingdom, France, and China combined will continue to possess around 1,000 in total. This does not include the number of so-called *tactical* (or non-strategic) nuclear weapons in these inventories (which some esti-

mate at 7,000-8,000 for the United States and 14,000-16,000 for the Russian Federation). These estimates are of course just that—estimates; on the hopeful side START III and other steps may make them high; on the other side inertia or developments in the coming years may make them overly optimistic.

Moreover, in 1997, both the United States in Presidential Decision Directive 60 (November 1997)² and the Russian Federation in its Presidential Decree 1300, dated December 17, 1997, reaffirmed their reliance on nuclear weapons, e.g.:

The most important task for the Russian Federation’s Armed Forces is to *ensure*

Mark Moher is Director General of the United States Bureau at the Department of Foreign Affairs and International Trade in Canada. His previous posting until August 1999 was as Canada’s Representative to the Conference on Disarmament and Ambassador to the United Nations for Disarmament. He was Head of Delegation to the 1997-1999 sessions of the Preparatory Committee for the 2000 Non-Proliferation Treaty Review Conference. He has also served as Director-General of the International Security Bureau in Canada’s Department of Foreign Affairs and International Trade, and as a member of the Standing Advisory Group on Safeguards Implementation (SAGSI) of the International Atomic Energy Agency, in which capacity he prepared the draft of the “93+2” strengthened safeguards (INFCIRC/540) Additional Protocol.

nuclear deterrence in the interests of preventing both nuclear and conventional large-scale or regional wars and to implement alliance commitments.³

It was also in such a context that the Russian Federation earlier moved away from its “no-first-use” policy. Efforts in the United States to broaden deterrence perspectives and requirements, i.e., that nuclear weapons will be used not only to deter nuclear but biological and chemical threats as well, also must be acknowledged.

These estimates and policy positions mean that due recognition of inventory reductions by most of the NWS over the past decade does *not* result in any decrease in the necessity for continuing dynamic nuclear disarmament measures. One is still left with the impression, as in the 1970s and 1980s, that there are weapons chasing targets rather than targets requiring weapons—using the rhetoric of deterrence! In short, the nuclear arsenals of the leading NWS remain quite extensive both in size and in scope of announced missions. Thus a great deal remains to be achieved—and against continuing, if not growing, opposition in many quarters to further negotiated nuclear reductions and to nuclear disarmament more generally.

Let us also at this “reality check” phase deliberately set aside the 1990s argument that nuclear proliferation in South Asia or in other regions of the world makes nuclear disarmament activities much more difficult, if not impossible unless all states concerned (an open-ended issue in itself—how many states does this mean?) are involved and unequivocally committed. This is the “universality” position. Such an argument may need to be taken into account in a true end-game, or near end-game, negotiation, but the hypothesis that states possessing hundreds if not thousands of nuclear weapons with sophisticated delivery vehicles need to be paralyzed by such proliferation concerns from pursuing further nuclear disarmament measures, such as inventory reductions, fissile material production moratoria, or the entry-into-force of the Comprehensive Nuclear-Test Ban Treaty (CTBT), is difficult to credit. Therefore, the focus here will be on nuclear disarmament by the five nuclear weapon states.

THE NUCLEAR DISARMAMENT AGENDA

Next, “the nuclear disarmament agenda.” Simple words, yet words that raise some fundamental questions

that from time to time are worth readdressing. First, *what* do we want to do about nuclear weapons, and, second, *what actions* do we wish to take? *How? Where?* Citations of Treaty text or of Final Declarations or Decisions of previous NPT review conferences are not sufficient answers to these questions. Collectively we have to confirm our essential perspective; then we can focus on Treaties, Declarations, and Decisions.

The first question is absolutely critical; it triggers political, strategic, moral, economic, and social debates. Recapitulation and resolution of all these debates is not possible here and now. What is possible and necessary, if the further discussion of the NPT’s future is to be viable, is to answer the question directly, without casuistry, subterfuge, or conditionality: we want to *eliminate all nuclear weapons*. We should be prepared to reassert and reaffirm this objective. A straightforward confirmation of this collective objective opens the way for consideration of subsequent basic questions.

The importance of this objective is critical when we turn to the Non-Proliferation Treaty. It is essential to have a clear consensus—unanimity, that is—on the central commitment, contained in Article VI of the Treaty, by all states parties “to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament....” Debates over measures, pace, forums, etc. are all inevitable; confusion, deliberate or not, over this critical commitment should not be. Any such confusion only serves to provoke cynicism or worse about rhetorical commitments to nuclear disarmament; moreover, it calls into question the purpose and core construction of the NPT. What was agreed in the late 1960s remains so in the late 1990s:

...It is neither unnatural nor unreasonable that countries foregoing their option to produce nuclear weapons should wish to ensure that their act of self-denial should in turn lead the nuclear-weapon powers to undertake tangible steps to reduce and eliminate their vast stockpiles of nuclear weapons and delivery vehicles....⁴

A Working Paper (PCIII/10) on Article VI attesting firmly to this Treaty objective was submitted by Canada to the May 1999 NPT PrepCom in New York. Thus, for example, any effort to maintain that the achievement of nuclear disarmament is conditional on the abolition of all conventional weapons should be rejected. Neither

“the nuclear disarmament agenda” nor “the future of the NPT” can be assured or realistically evaluated without clarity as to this common objective being fully assured.

If the elimination of all nuclear weapons is reaffirmed as the common objective of the nuclear disarmament agenda and recognized as a binding political-legal commitment in Article VI of the NPT, the focus of attention can turn to subsequent basic questions: what *actions* do we wish to take? How? Where?

Any comprehensive “nuclear disarmament agenda” will be remarkably complex, with multiple qualitative and quantitative variables interacting with one another. In recent years many efforts have been made to set out elements of such an agenda. Again a review, even an overview, of all these efforts is not practicable here and now. But complexity should not deter us from trying to set out categories of actions. Canada made an initial, albeit imperfect, effort to do so in a recent Conference on Disarmament (CD) working paper.⁵ In a loose paraphrase of that paper, the following categories of actions will need to be addressed:

- (1) Measures to address rationales for possession/theories of deterrence;
- (2) Measures to address distinctions and doctrines as regards strategic and tactical nuclear weapons;
- (3) Measures to reduce numbers of nuclear weapons;
- (4) Measures as regards operational factors;
- (5) Measures to enhance transparency;
- (6) Measures to promote irreversibility; and,
- (7) Measures to address delivery vehicles.

Even this tentative effort to set out categories confirms how complex the nuclear disarmament agenda is. But constant awareness of all of these categories and of their interactions is critical if sustained progress towards our common objective is to be secured. Thus, any effort to propagate or achieve acknowledgment of concepts of deterrence that expand the potential uses of nuclear weapons needs to be vigorously opposed. Overly casual use of the term “universal” needs to be avoided. Moves to compensate for reduced strategic nuclear weapons inventories or availability by rationalizing greater dependence on tactical nuclear weapons should be rejected. Continuous delays in reducing the number of nuclear weapons, whether through the START process or through other measures, need to be censured. And actions that call into question the viability of existing arrangements that contribute to strategic security need to be consis-

tently challenged. Calling into question the Anti-Ballistic Missile (ABM) Treaty is one such example. Increasing momentum and resources behind steps to weaponize outer space is another. A “nuclear disarmament agenda” must appropriately address all of these categories if it is to be valid and viable over time.

Turning to the *how* and *where* of a “nuclear disarmament agenda” raises other challenging issues. Debates over the past five years or so illustrate that assertions of exclusivity, or rigid frameworks as to time and forums, are self-defeating. An appropriate combination of unilateral, bilateral, multilateral among the five NWS, regional multilateral, and global multilateral forums needs to be engaged. The rate of progress should be the maximum achievable according to the specific issue and forum. And, of great importance, the appropriate combination needs to be responsive to the interests, the investments, and the concerns of all states. Article VI of the NPT is a commitment by “each of the parties of the Treaty.” While the primary responsibility rests with the nuclear weapon states (and the corresponding accountability is also theirs), there must be a way to enable all states to engage responsibly and appropriately in the pursuit of “the nuclear disarmament agenda.” This is the rationale behind Canadian advocacy of the need for substantive discussion of nuclear disarmament issues in the NPT context, in the Conference on Disarmament, and elsewhere.

So where are we now (in the summer of 1999) as regards pursuit of “the nuclear disarmament agenda”? The situation is not entirely bleak. As already acknowledged, significant progress in reducing the number of nuclear weapons has been made, both through START and through other unilateral and bilateral steps. A promising program for future steps through START III has been outlined. But we are, frankly, beginning to lose not just momentum but actual ground:

- (1) ratification of START II has been delayed for more than six years, and obstacles to its final ratification and implementation are growing in both Washington and Moscow;
- (2) concepts of deterrence are being expanded, or at least being made more ambiguous;
- (3) greater reliance is being placed on so-called tactical nuclear weapons;
- (4) key contributions to strategic security are being questioned while new challenging developments are being pursued;

- (5) ratification and entry into force of the CTBT are still distant;
- (6) progress in dealing with fissile material inventories and production is constantly delayed; and,
- (7) discussions incorporating *de facto* if not *de jure* acknowledgment of “minimum nuclear deterrence” in a volatile region are underway.

While recognition of these factors should not blind us to progress made in the past, repeated litanies of that progress should equally not blind us to these factors. And increasingly and even more alarmingly, efforts to engage in effective nuclear disarmament are obstructed by claims designed to revalidate the retention of and utility of nuclear weapons.

“The nuclear disarmament agenda” thus depends on the answers to three basic questions: do we have an unequivocal *commitment*; do we have a comprehensive and coherent *agenda*; and, do we have the concerted *political will* necessary to move forward?

THE FUTURE OF THE NPT

The third challenge is “the future of the NPT.” Three alternative paths can be postulated in this regard. One is the “muddle through” path. A second is the “road to disintegration.” And the third is that of “construction for the future.” A brief word on each.

The first, or “muddle through,” path is currently seen as most likely by most states. It starts from the premise that the NPT, whatever the difficulties, will always have some value as regards nuclear disarmament, nuclear nonproliferation, and the peaceful uses of nuclear energy. Moreover, it has been indefinitely extended as recently as 1995. And the existence of “friends of the NPT” with considerable power and influence will militate strongly against any significant challenge. The conclusion is, accordingly, that whatever the criticisms or whatever the failures, the NPT will remain in place. This leads to a rather complacent, minimalist perspective.

The “road to disintegration” is seen as possible, if perhaps not yet probable, by states in two camps. One camp argues that a persistent failure to achieve complete nuclear disarmament or even consistent progress in that direction will inevitably lead to massive defections of states parties. This camp is highly critical of the 1995 decision on the indefinite extension of the Treaty on the grounds it gave the nuclear weapon states a blank check for the future. They cite the evidence already given

above as confirming their view that the five NWS have no real intention to eliminate their nuclear weapons over any time period. Overlapping with this camp is a group of states that are watching extremely closely the evolution of discussions, largely behind closed doors, on the future of nuclear weapons in South Asia. Protestations of fidelity to the NPT and its limit on the number of NWS to five aside, any outcome of those discussions that acknowledges and accepts a “new nuclear reality” in South Asia will be seen as having direct relevance elsewhere. Multiple frustrations of steps that states parties regard as necessary for satisfactory implementation of the NPT will inevitably feed the “disintegration” option.

The “construction for the future” option is supported by those states that see the NPT as a work in progress. Consolidation of efforts to make “systematic and progressive efforts to reduce nuclear weapons globally,”⁶ reinforcement by an effective CTBT and fissile material cut-off treaty (FMCT), further work on nuclear-weapon-free zones and on negative security assurances, and demonstrated commitment to the integrity of the NPT over time are characteristics of this option.

Which option will prevail? Most states parties to the NPT currently associate themselves to the first and third. But there are others, even some in the first and third groups, who see a growing probability for the second. The final outcome will be based on the answer to one direct question: does the NPT continue to be of central value to its states parties? This answer will be dictated both by internal considerations—primarily, the progress made in “the nuclear disarmament agenda”—and by external developments, e.g., fidelity to the basic principles of the NPT in discussions concerning South Asia and other troubled regions. At this stage the jury is out with regard to both!

PROJECTION

Finally, let us return to the topic of this viewpoint as a whole—“The Nuclear Disarmament Agenda and the Future of the NPT.” There is a direct and causal relationship between these two concerns—that is, dynamic substantive progress on an effective “nuclear disarmament agenda” is critical for the future of the NPT. There can and should be no doubt as to the commitment made by means of Article VI of that Treaty. Thus Canada’s insistence in paper PCIII/10 on the commitment to nuclear disarmament. Equally there can and should be

no doubt about our collective intention to fulfill that commitment through an appropriate program of action. The absence of such a program and of evidence it is being pursued will inevitably lead to doubt as to the NPT itself. It is this fact that has led to vigorous advocacy of the need for an “NPT 2000 Review Conference: Principles and Objectives for Nuclear Non-Proliferation and Nuclear Disarmament.” The “program of action” contained therein for the next five years (2000-2005) should be an effort to set out clearly *what* can and should be done—not *how*—by all states party, singly and collectively as appropriate. Investment in the NPT’s “strengthened review process” per se is another element of that engagement.

The call for action inside the NPT—i.e., for our commitment, our agenda, our political will—is loud and clear. Will we rise to the challenge?

At the same time we should not delude ourselves. All of our work in the NPT context will be rendered futile if developments outside that context call into question the core foundation and understandings of the Treaty. Word games and “let’s be realistic” arguments will not suffice. If proliferation can take place and new *de facto* or *de jure* political security relationships rooted in an indefinite acceptance of “minimum nuclear deterrence” in one or more regions emerge in acknowledgment thereof, then “The Nuclear Disarmament Agenda and the Future of the NPT” will be even more fundamentally undermined. The projection in that case clearly would be that the world we live in will be a less peaceful and secure environment for us all.

¹ Robert S. Norris and William M. Arkin, “November/December 1997 Nuclear Notebook,” *The Bulletin of the Atomic Scientists*, <<http://www.bullatombsci.org/issues/nukenotes/nd97nukenote/html>>.

² R. Jeffrey Smith, “Clinton Directive Changes Strategy on Nuclear Arms,” *Washington Post*, December 7, 1997, p. A1.

³ *Rossiyskaya Gazeta* (Moscow), December 26, 1997, pp. 4-5.

⁴ Statement of Canadian ambassador to the NPT negotiations in 1968, author’s files.

⁵ Canada Working Paper DC/1574, “Nuclear Disarmament: Substantive Discussion in the Conference on Disarmament,” March 9, 1999, <<http://193.135.136.30/frames/disarm/curdoc.1574.htm>>.

⁶ NPT/CONF.1995/32, Decision 2, Paragraph 3C, “Principles and Objectives for Nuclear Non-Proliferation and Disarmament.”