A nuclear weapons convention

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Agreement to pursue negotiations toward a Nuclear Weapons Convention - a treaty that would ban nuclear weapons - is the single biggest step the five declared nuclear-weapon states could take both to increase the likelihood of indefinite and unconditional extension of the nuclear Non-Proliferation Treaty and to strengthen the international non-proliferation regime. Like the Chemical Weapons Convention and the Biological Weapons Convention, a Nuclear Weapons Convention would ban an entire class of weapons of mass destruction. Almost unthinkable during the Cold War, the idea of eliminating nuclear weapons has gained increasing credence among military professionals, government officials, and expert observers in recent years. Agreement among the nuclear-weapon states to pursue negotiations toward that end does not imply agreement to a mechanical schedule to eliminate their nuclear arsenals.

Executive Summary

Agreement to negotiate a Nuclear Weapons Convention will only result from a decision to support such a process by the five declared nuclear-weapon states. With the superpower confrontation dissolved, pursuing such a Convention is a viable option. A Convention can address the rising threat of nuclear proliferation more effectively than current international policy. The major allies of the nuclear powers can play an essential role by actively supporting a Convention. All potential proliferators must be party to the Convention, which would be followed by binding U.N. Security Council Resolutions with automatic enforcement mechanisms.

To be credible, a Nuclear Weapons Convention would have to address two issues: verification and break-out.

Verification

The essential elements for an effective verification regime can be extrapolated from existing verification programs. It should:

- Be modeled on the intrusive verification procedures of the Chemical Weapons Convention;
- Include arrangements similar to the portal-perimeter monitoring system in the Intermediate-range Nuclear Forces (INF) Treaty;
- Make use of the proposals developed by the VEREX group for the Biological Weapons Convention; and
- Strengthen the International Atomic Energy Agency or create a new verification body.

Break-Out

With or without a Nuclear Weapons Convention, proliferation of nuclear weapons is a major concern. Under a Convention, proliferation - “break-out” from the treaty - would be less likely than in a world without one. This conclusion stems from several facts:

- Because the treaty would be a non-discriminatory outright ban, states would agree to a stronger verification and safeguard regime in the Nuclear Weapons Convention than under any other likely international agreement;
- Because of the distinctive materials, skills and facilities needed to build nuclear weapons, a Nuclear Weapons Convention would be more reliably verifiable than the Chemical Weapons Convention; and
- Because conventional force is so much more likely to be used than a nuclear weapon,

conventional deterrence of potential proliferators has more credibility than nuclear deterrence. The international community would be united in its efforts to prevent proliferation and, if necessary, would act multilaterally.

Finally, until a state is satisfied with the verification regime and anti-break-out assurances provided in the Convention, it need not sign or ratify the treaty. Nothing is lost by undertaking negotiations, while much can be gained in terms of creating an effective international non-proliferation regime and a more stable world.

[The NPT] is the only internationally-agreed framework for negotiations on nuclear disarmament… – Prime Minister John Major, on the occasion of Ukraine's accession to the NPT, 5 December 1994.

We are determined to continue, together with other nuclear powers, to reduce the role of nuclear weapons in guaranteeing security, to move in the direction of a complete elimination of nuclear weapons throughout the world, as it is provided for by UN decisions. – Ambassador Grigori Berdennikov, Russian Ambassador to the Conference on Disarmament, at the Conference, 23 February 1995.

[T]he five nuclear powers and all countries party to the [Non-Proliferation] Treaty have undertaken to pursue negotiations in good faith for an end to the nuclear arms race and for nuclear disarmament… – Ambassador Gerard Errara, Representative of France at the Conference on Disarmament, on behalf of the European Union, at the Fourth Non-Proliferation Treaty Preparatory Committee Meeting, 23 January 1995.

[The Chinese] solemnly proposed . . . at the 49th session of the UN General Assembly that a convention on the prohibition of nuclear weapons be concluded [the] same as conventions prohibiting biological and chemical weapons. – Ambassador Sha Zukang, Representative of China at the Fourth Non-Proliferation Treaty Preparatory Committee Meeting, 23 January 1995.

Nuclear weapons states vow not to help others obtain nuclear weapons capabilities, to facilitate the peaceful uses of atomic energy and to pursue nuclear arms control and disarmament – commitments I strongly reaffirm… – President Bill Clinton, addressing a conference in Washington, DC, 1 March 1995.

Introduction

The complete elimination of nuclear weapons is an often discussed but seldom pursued goal. Earlier failures include the 1946 Baruch Plan and the 1986 Gorbachev-Reagan summit, which faltered over superpower politics. With the end of the Cold War, the goal of eliminating all nuclear weapons gains plausibility. Negotiations toward a Nuclear Weapons Convention can begin in the near term, as part of an overall non-proliferation strategy that will reach the goal of a nuclear-weapon-free world (NWFW) in the not-too-distant future.

Support for a NWFW is widespread and increasing. Gen. Andrew Goodpaster, formerly Supreme Allied Commander of Europe and national security advisor to President Eisenhower, currently heads a project to assess the "realist's case for eliminating weapons of mass destruction."(1)

McGeorge Bundy, National Security Adviser under Kennedy and Johnson; William J. Crowe, former Chair of the Joint Chiefs of Staff; and Sidney Drell, a physicist and long-time adviser to the U.S. government on arms control issues, make the point:

From the beginning of the Cold War in 1946 to its end in 1990, the U.S. Government would have rejected any offer from the gods to take all nuclear weapons off the table of international affairs. Today such an offer would deserve instant acceptance . . .(2)

While Bundy, Crowe, and Drell do not view nuclear disarmament as a likely future, the point remains: a nuclear-weapon-free world is highly desirable.

Toward a Nuclear Weapons Convention

A commitment to begin negotiations toward a Nuclear Weapons Convention will come as the result of specific national interest decisions made by the nuclear powers. At some point in the process, the nuclear-weapon states will need to move past the option of “minimum deterrence” - where the nuclear powers hold a small number of nuclear weapons for the indefinite future. At the same time, commitment to begin negotiations toward a Nuclear Weapons Convention does not mean that the nuclear-weapon states have committed themselves to a mechanical schedule for destroying their nuclear arsenals. It simply means that they have decided to explore the option of eliminating all nuclear weapons and how that objective can be safely attained.

The Role of the Five Declared Nuclear Powers

Under the nuclear Non-Proliferation Treaty (NPT), the five declared nuclear powers have committed themselves to pursuing negotiations toward nuclear disarmament. That commitment has been repeated, in various forms, by all the nuclear powers, although usually modified to indicate an eventual goal rather than an immediate priority. The upcoming NPT Review and Extension Conference, however, provides an excellent reason to commit to negotiations toward a Nuclear Weapons Convention now. To move toward a Nuclear Weapons Convention, the five declared nuclear powers first need to commit themselves to negotiation. Such negotiations will only be viable when the nuclear powers realize that a nuclear-weapon-free world is in their interest. Les Aspin, then Chair of the House Armed Services Committee, explained why such a commitment might occur:

Suppose, somehow, that we had been offered a magic wand that would wipe out all nuclear weapons and the knowledge of their construction. Would we have been happy? Not on your life...A world without nuclear weapons would have been a world made safe for conventional war and the United States was numerically inferior to the Soviet Union in weapons of conventional war . . . Nuclear weapons were the big equalizer -- the means by which the United States equalized the military advantage of its adversaries.

But now the Soviet Union has collapsed. The United States is the biggest conventional power in the world. There is no longer any need for the United States to have nuclear weapons as an equalizer against other powers. If we were to get another crack at that magic wand, we’d wave it in a nanosecond. A world without nuclear weapons would not be disadvantageous to the United States.

In fact, a world without nuclear weapons would actually be better. Nuclear weapons are still the big equalizer but now the United States is not the equalizer but the equalizee.(3)

Such a commitment would bring the nuclear-weapon states closer to compliance with the NPT and virtually guarantee the Treaty’s indefinite and unconditional extension at the Review Conference by a large majority. It would also significantly improve the international political environment.

By creating the vision of a more stable future, moving toward negotiation of a Convention will reassure all states. In recent years, nuclear proliferation has become a more prominent security concern. Reports of plutonium or uranium smuggling occur weekly. North Korea threatens to withdraw from the U.S.-arranged non-proliferation agreement and there are reports that Iran and Libya are seeking to obtain nuclear weapons. These situations will continue and intensify as long as the nuclear states seek to maintain their monopoly.

Major allies of the nuclear powers should play a significant part in determining what direction the nuclear powers take. At present, most Western allies have either supported the present non-proliferation regime and the minimalist agenda of the nuclear powers, or taken a silent role, leaving the debate to the nuclear powers. However, there are

significant exceptions, especially Germany and Japan, which have supported nuclear disarmament measures, including a nuclear-weapon-free world.

In 1993, Germany set out 10 proposals on non-proliferation, including suggesting a nuclearweapons register. The United States and United Kingdom strongly objected to the German proposal, and it has not been raised again, although some German officials privately continue to support it. Furthermore, Alfred Dregger, Honorary Chairman of the Bundestag's Christian Democratic Union/Christian Social Union (conservative) faction, speaking recently about the need to limit nuclear weapons, stated that "a model for this type of non-proliferation politics could be the Baruch Plan of 1947."(4)

Japan has repeatedly called for negotiations to eliminate all nuclear weapons. For example, a draft resolution submitted by Japan to the First Committee of the United Nations in November 1994:

Calls upon the nuclear-weapons States to further pursue negotiations on progressive and balanced reductions of nuclear weapons in light of Article VI [of the NPT] with a view to the ultimate cessation of the manufacture of nuclear weapons, the liquidation of their existing arsenals of nuclear weapons and the means of delivery . . .(5)

Diplomatic Steps to Begin Talks on a Nuclear Weapons Convention

Once the political will has been built, the international community can take steps to begin negotiations toward a Nuclear Weapons Convention. One route would be for the U.N. General Assembly to pass a Consensus Resolution calling on the Conference on Disarmament to consider holding negotiations toward a Convention under its agenda item on nuclear disarmament. The Conference on Disarmament, which acts autonomously from the United Nations but generally responds favorably to Consensus Resolutions, would then need to adopt a mandate and convene an Ad Hoc Committee on a

Comprehensive Nuclear Weapons Ban.

The decision to pursue a Nuclear Weapons Convention should be the centerpiece of a broad non-proliferation and disarmament agenda, which could include:

Agreement to negotiate START III (recently encouraged by President Yeltsin);(6)

Follow-on negotiations that would involve all five nuclear powers, an idea endorsed by President Yeltsin at the 49th U.N. General Assembly;(7)

Cut-off of fissile material production and monitoring of existing stockpiles (countries at the Conference on Disarmament just agreed to initiate negotiations on this); and

Unambiguous legally binding negative security assurances, going beyond the conditional declarations put forth by all the nuclear-weapon states except China (the five declared nuclear powers submitted a draft resolution to the Security Council on 24 March, but it focuses on positive assurances and goes little beyond existing statements).

Each of these initiatives would become an element of a new international security regime.

Minimum Deterrence Versus a Nuclear-Weapon-Free World

The idea of deeper cuts in the U.S. and Russian arsenals draws broad support. The long-term goal, however, remains unclear. Most debate centers around two options: low levels of nuclear weapons, where a "minimum deterrent" arsenal is kept, and a nuclear-weapon-

free world. In the long-term, a world without nuclear weapons would be more stable than one with them.(8) First, as long as the nuclear-weapon states have some nuclear weapons, there will be pressure for proliferation. As Frank Blackaby has noted,

Why should nuclear weapons be necessary for US security, and not also for the security of Israel, or India, or Pakistan? Indeed, the smaller states could argue that they have greater need for the equalizing power of nuclear warheads. If the present nuclear-weapon states persist in retaining their nuclear weapons indefinitely, then sooner or later other states will seek to join them as nuclear powers and will be successful.(9)

Second, pursuing a Nuclear Weapons Convention would bring the undeclared nuclear-weapon states into the process. The Indian government, which justified its own nuclear program as a response to China's, has already set out proposals to eliminate all nuclear weapons.(10) Pakistan recently called for "negotiations as soon as possible to evolve a concrete and time-bound programme for nuclear disarmament."(11) Only Israel remains an issue, although U.S. Ambassador Thomas Graham has stated he believes Israel will agree to give up its nuclear weapons once security arrangements are made with all Middle Eastern states.(12) If Israel renounced its nuclear weapons, Iran and Iraq would be more likely to end their efforts to obtain them.

Third, the danger of accidental nuclear war or the accidental explosion of a nuclear weapon will only be eliminated in a nuclear-weapon-free world. While the likelihood of an accidental nuclear weapon explosion is low at any one time, the best way to prevent it ever occurring is to eliminate nuclear weapons.

Obstacles Tackled in a Nuclear Weapons Convention

Two issues must be resolved for a Nuclear Weapons Convention to succeed: The first is effective verification. The level of confidence needed in the verification regime of a Nuclear Weapons Convention exceeds that of any treaty to date. The second issue is whether break-out - where an existing nuclear power conceals a small arsenal, a renegade state creates its own nuclear weapon or weapons, or a terrorist group obtains one - can be prevented. Under a Nuclear Weapons Convention, both of these concerns can be addressed more effectively than in a world where nuclear weapons are tolerated.

Verification

Verifying a complete ban on nuclear weapons is easier, more effective, and cheaper than verifying small nuclear arsenals. With a complete ban, any weapon is a violation, so the demands for accounting, tracking, and monitoring weapons are simplified and eventually, when the Convention is fully implemented, disappear. Monitoring of existing stockpiles of nuclear materials, not weapons, would be mandatory. By the time a Nuclear Weapons Convention is concluded, a ban on the production of weapons-grade fissile material should be in place. The Nuclear Weapons Convention would then have to provide for the monitoring and control of the remaining stockpiles, and deal with commercial stocks of weapon-usable material, such as plutonium.(13)

The Chemical Weapons Convention provides a model for the intrusive verification measures that would be needed under a Nuclear Weapons Convention. The Chemical Weapons Convention provides for routine and challenge inspections.

Routine inspections center on declared chemical weapons sites, including production facilities, storage sites, and destruction facilities. Features of routine inspections include:

- inspections on short notice, with inspectors provided unimpeded access;
- soil and air samples taken from the site by inspectors; and

• installation of permanent on-site monitoring equipment allowed.

More limited routine inspections exist for commercial chemical facilities. Similar arrangements could be worked out for commercial nuclear reactors. Challenge inspections of undeclared or declared sites are also allowed, although with more restricted access.(14)

In fact, while the tolerance levels for nuclear weapons would be lower (one nuclear bomb could cause greater destruction than even a substantial chemical arsenal), the difficulty in concealing a clandestine nuclear program is much higher. Production of some materials which can be used for chemical weapons will actually continue on a large scale. Production of a nuclear bomb requires specific and readily identifiable infrastructure. Only research reactors and commercial nuclear power plants require similar infrastructure. The far smaller number of these facilities, in comparison to chemical factories, makes monitoring a much easier task. This means that overall confidence levels in a Nuclear Weapons Convention can, in fact, be higher than for a Chemical Weapons Convention.

The portal-perimeter monitoring systems developed under the Intermediate-range Nuclear Forces (INF) Treaty could provide a model for tracking fissile materials.(15) The INF Treaty allows for:(16)

• 24 hour a day, 365 day a year monitoring;
• a detachment of inspectors outside the gates of the missile production facility;
• the right to inspect every shipment that could contain missiles; and
• the right to patrol the facility's perimeter at will to ensure missiles are not clandestinely exiting the facility.

The Ad Hoc Group of Governmental Experts, more commonly known as VEREX (VERification EXperts), examined verification measures for the Biological Weapons Convention. Some of the options it examined are applicable to verifying the Nuclear Weapons Convention, including:(17)

• continuous monitoring by instruments and/or personnel;
• identification of key equipment;
• surveillance of publications and legislation;
• data exchange through declarations of relevant information; and
• auditing of documentary records, electronically-held data, and manuals.

Finally, the International Atomic Energy Agency (or perhaps even a new organization) would have to be strengthened substantially, with the authority to undertake more intrusive inspection and safeguard measures, across the full range of declared and undeclared nuclear facilities.

Break-out

Break-out will be more difficult and less likely under a Nuclear Weapons Convention than proliferation in a world without one. It would be more difficult because the verification regime in a Nuclear Weapons Convention would be stronger and more effective than any other regime the international community is likely to establish. Because the Convention would end the dichotomy between the haves and the have-nots, all parties would seek the strongest verification measures feasible. Otherwise, the continued presence of nuclear weapons creates pressure for less intrusive measures, either from nuclear-weapon states desiring to maintain some secrecy or from states that might seek to pursue nuclear weapons clandestinely.

Break-out would be less likely because one of the primary motivations for seeking nuclear weapons - to counter their possession by another state - would disappear, and because potential proliferators can be more effectively deterred under a Nuclear Weapons Convention. As Gen. Charles Horner, then head of U.S. Space Command, explained:

I want to get rid of all [nuclear weapons]. I want to go to zero. I'll tell you why. If we and the Russians can go to zero nuclear weapons, think of what that does for us in our efforts to counter the new war. The new war is this [proliferation of] weapons of mass destruction . . . in an unstable world. Think how intolerant we will be of nations which are developing nuclear weapons if we have none. Think of the high moral ground we secure by having none . . .(18)

Under a Nuclear Weapons Convention, the international community would have a powerful imperative to stop proliferation. Any danger that a country might gain a nuclear weapon would focus the world's attention, and economic, political, and military forces would be brought to bear. If no country has nuclear weapons, any country that pursues them becomes an outcast, a pariah state. Thus, against any rational proliferator, conventional deterrence under a Nuclear Weapons Convention would be more effective than nuclear deterrence in a world with nuclear weapons. Against an irrational proliferator, traditional deterrence of any kind does not work, for it depends on rational calculations about the costs of certain actions.

In the worst case, what happens in a world with a Nuclear Weapons Convention if some state or terrorist group explodes a nuclear weapon and claims to have more? The short answer is war, with the international community united against the outlaw. The prospect is frightening, but the consequences are no worse than if the nuclear-weapon states maintain their arsenals. Break-out is also less likely because a fully implemented Convention removes the easiest and most direct method of obtaining a nuclear bomb - stealing or buying one on the black market.

Conclusion

Committing to negotiations toward a Nuclear Weapons Convention would almost guarantee, by an overwhelming margin, the indefinite and unconditional extension of the Non-Proliferation Treaty. Even further, setting on the path toward a Nuclear Weapons Convention will enhance the non-proliferation regime, end the dichotomy between the nuclear haves and have-nots, and create the conditions for a world that is, in the long-term, more stable and secure. As Robert McNamara said,

It can be confidently predicted that the combination of human fallibility and nuclear arms will inevitably lead to nuclear destruction. Therefore, in so far as it is achievable, we should seek a return to a non-nuclear world.(19)

Endnotes

1."General Andrew Goodpaster to Chair Stimson Center Project on Eliminating Nuclear Weapons," News Release, The Henry L. Stimson Center, 17 March 1993.

2. McGeorge Bundy, William J. Crowe, Jr., and Sidney Drell, Reducing Nuclear Danger: The Road Away from the Brink, Council on Foreign Relations Press, 1993, pp. 5

3. Les Aspin, "Three Propositions for a New Era Nuclear Policy," commencement address at MIT, 1 June 1992. Aspin, applying a traditional definition of U.S. security interests, states that a nuclear-weapon-free world is in the United States' favor. Some may balk at swapping U.S. nuclear deterrence for U.S. conventional dominance, but that ignores the international community's overwhelming endorsement of the goal of a nuclear-weapon-free world.

4 Alfred Dregger, address to the Bundestag, 16 February 1995.

5. United Nations First Committee, A/C.1/49/L.33, 2 November 1994, Draft Resolution by Japan.

6. President Boris Yeltsin, 21 February 1995, speaking in Belarus.

7. President Boris Yeltsin, September 1994, speaking to the U.N. General Assembly.

8. An excellent discussion of this debate appears in Michael MccGwire's "Prospects for a Nuclear Free World," Brassey's Defence Year Book 1995, Michael Clark, editor, Centre for Defence Studies, 1995.
9. Frank Blackaby, "Nuclear-Weapon-Free World: Desirable? Feasible? Executive Summary of the Pugwash Monograph," BASIC, April 1993.
10. Most recently, in late 1994, India informally circulated a Draft Resolution for a Nuclear Weapons Elimination Treaty at the United Nations, but it was later withdrawn.
11. Statement by His Excellency Sardar Aseff Ahmad Ali, Foreign Minister of Pakistan, to the Plenary Session of the Conference on Disarmament, 14 February 1995.
12. Thomas Graham, at a press briefing in New York City during the Fourth Preparatory Committee Meeting, 24 January 1995.
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14. "The Chemical Weapons Convention Handbook," Amy E. Smithson, editor, Handbook No. 2, September 1993, The Henry L. Stimson Center.
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17. "Summary Report, Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint," Biological Weapons Conference, Conference on Disarmament, BWC/CONF.III/VEREX/24 September 1993.
18. General Charles Horner, 15 July 1994, at a press briefing.
19. Robert McNamara, The New York Times, 23 February 1993.

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