



# **Status of the Implementation of the NPT 13 Steps and Nuclear Disarmament**

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Sponsored by

United Nations Centre for Peace, Disarmament and  
Development in Latin America and the Caribbean,  
Department for Disarmament Affairs

United Nations, New York, March 14, 2002

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At the 2000 Review of the Non-Proliferation Treaty (NPT), the states parties agreed to take 13 practical steps to manifest their systematic and progressive efforts to implement Article VI of the NPT. The first PrepComm, in 2002, for the 2005 Review provides an opportunity to assess the amount of progress. I propose here to refer to each of the steps\* and then to offer a comment on the status of implementation<sup>1</sup>.

### **Step 1. Entry-into-force of the CTBT**

To date, 161 states have signed and 87 have ratified the CTBT. Of the 44 nuclear-capable countries required to ratify it, 13 states have not yet done so. Most of these have signed and are in the various stages of the legislative process for ratification. India, Pakistan and North Korea have not signed. Israel has signed, but has said that ratification will depend on, inter alia, Israel's sovereign equality status and developments in the region. The United States presents a serious problem because it is the only one of

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\*The precise wording of the steps, as contained in the NPT 2000 Review Final Document, appears in Appendix A or at website: <http://www.iaea.or.at/worldatom/Press/Events/Npt/npt-2000.shtml>

<sup>1</sup> I am indebted to Tariq Rauf, formerly of the Monterey Institute of International Studies, for his analysis of the 13 steps contained in "Towards NPT 2005: An Action Plan for the 13 Steps," prepared for a Strategy Consultation held by the Middle Powers Initiative (MPI) April 29-May 1, 2001. The results of this Consultation are contained in the MPI report of the same name. I have also drawn on an analysis of NPT compliance by John Burroughs, Executive Director of the Lawyers' Committee for Nuclear Policy, prepared for a report entitled "The United States, the Rule of Law, and Global Security." Other help has been provided by Jonathan Granoff, President, Global Security Institute, and Commander Robert D. Green, Royal Navy (Ret'd), Disarmament and Security Centre, Christchurch, N.Z.

the five NPT NWS to reject the treaty. The Administration has said it is “not supporting” the CTBT (even though the U.S. was the first to sign in 1996 under the previous Administration). When it was presented to the U.S. Senate for ratification, the treaty was rejected on a 51-48 vote. The U.S. did not attend the CTBT Entry-into-Force Conference November 11-13, 2001, voted alone in the First Committee to oppose putting the CTBT topic on the UNGA agenda for 2002, and cut its share of contributions to the CTBT Organization. The treaty must now be protected from abandonment leading to demise.

## **Step 2. Moratorium on Nuclear Test Explosions.**

There have been no text explosions since India and Pakistan conducted, between them, 11 tests in 1998. The U.S. has stated that nothing in the 2001 Nuclear Posture Review changes U.S. support for the moratorium, and that the stewardship program will ensure stockpile safety and reliability without nuclear testing. However, the U.S. intends to reduce the lead-time, currently at 24-36 months, to prepare for and conduct an underground nuclear test. A continuation of the moratorium is essential.

**Step 3. Negotiations to be concluded in the Conference on Disarmament (C.D.) within 5 years on a fissile ban treaty.**

A stalemate is evident. A critical sticking point is the insistence of some countries that the negotiations address reduction of existing stocks as well as a cap on new production. Also, China and other countries resist such negotiations absent commitments on other fronts to pursue comprehensive nuclear disarmament and to prevent an arms race in outer space.

**Step 4. Establishment of a subsidiary body in the C.D. to “deal” with nuclear disarmament.**

No action here. The U.S. will only support such a committee to discuss nuclear disarmament. Russia says the time is not ripe for negotiations. China wants negotiations on outer space, nuclear disarmament and fissile materials all tied together. The C.D. must implement a mechanism to give equal treatment to a fissile ban treaty, the prevention of an arms race in outer space, and nuclear disarmament.

**Step 5. The principle of irreversibility to apply to nuclear disarmament.**

Thus far the principle of irreversibility is being applied selectively to limited quantities of weapon-usable fissile material surplus to military requirements by Russia and the U.S. Destruction of missiles under the Intermediate Nuclear Forces (INF) Treaty and START I is considered at the moment irreversible disarmament. The new nuclear weapons cuts proposed by the U.S. and Russia would have to involve the actual dismantlement of weapons and be codified in law to be considered irreversible.

**Step 6. Unequivocal undertaking by the NWS to accomplish the total elimination of their arsenals.**

There is no sign that the Article VI obligation as now understood in light of its authoritative interpretation by the International Court of Justice (ICJ) and the 2000 “unequivocal undertaking” have been integrated into national planning. Rather, the obligation seems to remain a rhetorical flourish for international settings. In contrast to the NPT 2000 pledge, the U.S. Nuclear Posture Review, according to Congressional testimony, “reaffirms that nuclear weapons, for the foreseeable future, will remain a key element of the U.S. national security strategy.” France echoes this position.

China says it will negotiate elimination when the U.S. and Russia get down to lower levels. The U.K. has taken a similar position.

**Step 7. Full implementation of START II, conclusion of START III, preserving and strengthening the ABM Treaty.**

START I requires and START II, which has not yet entered into force, would have required, the destruction of delivery systems; the 1997 Helsinki commitments to START III additionally envisaged accounting for and dismantling of warheads. However, the present U.S. plan does not call for destruction of delivery systems or dismantlement of warheads. Under START II, there would have been 3,000-3,500 deployed strategic arms by 2007, not the 3,800 in the new U.S. plan. The target of 1,700 to 2,200 for the year 2012 is about the range of START III, though slower. Regarding the ABM Treaty, the U.S. has announced that its withdrawal will become effective June 13, 2002, and the Nuclear Posture Review reportedly anticipates limited deployment of strategic missile defenses by 2008. This is directly contrary to the call for preserving and strengthening the treaty.

**Step 8. Implementation of the Trilateral Initiative between the U.S., Russia and the IAEA.**

Under this initiative launched in 1996, the U.S., Russia and the IAEA are creating an Agency verification regime appropriate for weapon-origin and other excess fissile material. Such a regime would enable verification of classified forms of fissile materials, including nuclear weapons components. The importance of this step is underscored by the huge stockpiles of fissile material held by both Russia and the U.S. Russia has more than 1,000 metric tons of weapon-grade uranium, and the U.S. has nearly 750 metric tons of weapon-grade uranium and 85 metric tons of weapon-grade plutonium. Work is now stalled on a model verification agreement.

**Step 9. Steps by NWS based on the principle of undiminished security for all to promote international stability.**

**a) Further efforts for unilateral reductions.** Both the U.S. and Russia have discussed reciprocal unilateral cuts. An “executive agreement” has been spoken of, but this would fall short of a legally binding treaty. The non-nuclear weapons states want such cuts to be codified and made irreversible through destruction of delivery systems and dismantlement of warheads, and internationally monitored disposal of the fissile materials.

**b) Increased transparency of NWS capabilities and Article VI**

**agreements.** For decades, weapon development programs in the NWS have been cloaked in varying degrees of opacity and disinformation. The U.S. offer to have a senior official provide a briefing on nuclear weapon matters at NPT and other U.N. fora is welcome. But what is called for is a nuclear-weapon register and a weapon-usable fissile material register. NWS reporting on their compliance with Article VI is not standardized and not subject to verification of accuracy.

**c) Unilateral initiatives for non-strategic reductions.** No present activity is apparent.

**d) Measures to reduce the operational status of nuclear weapons**

**systems.** The principal need, to get the U.S. and Russia to stand down almost 5,000 strategic nuclear weapons from launch-on-warning, has been ignored. The maintenance of weapons on high alert is contrary to the spirit and intention of the 13 steps program. The U.K. has relaxed notice to fire weapons from its deployed Trident submarine from “minutes” to “days.” It is understood France has followed suit. Chinese warheads are at the moment stored separately from missiles. De-alerting should not be seen as merely an

adjunct to reductions but as a step to reduce risk of accidents and a signal that nuclear explosive are not usable.

**e) Diminishing the role of nuclear weapons in security policies to facilitate the process of elimination.** With the exception of China's longstanding position of no-first-use, there is no evidence of a diminishing role for nuclear weapons. Quite the reverse. In its recent \$5.9 billion request to the U.S. Congress for nuclear weapons maintenance, research and development activities in 2003, the National Nuclear Security Administration relied on the Nuclear Posture Review as its primary justification. The centerpiece of the NPR is the New Triad of flexible response capabilities consisting of: non-nuclear and nuclear strike capabilities; active and passive defences including ballistic missile defences; research and development to maintain nuclear offensive forces. The New Triad stresses a robust and responsive nuclear weapons infrastructure. "Most importantly, this review reemphasizes the importance of nuclear weapons to deter the threats of weapons of mass destruction, to assure allies of U.S. security commitments, to hold at risk an adversary's assets and capabilities ... ." [Weapons Activities/Executive Summary, FY 2003

Congressional Budget] Nuclear weapons in the U.K. and France can be used first to defend vital interests. Russia also contemplates first use.

**f) Engagement of all NWS in the elimination process.** There is no evidence of this.

**Step 10. NWS to place excess fissile materials under IAEA.**

Russia and the U.S. are stalled on this step (see Step 8). China, France and the U.K. must place excess material irreversibly under safeguards.

**Step 11. Reaffirmation of general and complete disarmament under effective international control.**

The opposite is happening. Military expenditures, now at \$800 billion a year, are climbing, with dozens of states increasing, led by the U.S. with a huge jump to nearly \$400 billion (when Department of Energy nuclear weapons spending is taken into account). The Biological Weapons Convention is in disarray. The immense flow of small arms – the main instruments behind civilian casualties and economic and social disruption in many regions – is one of the clearest and most pressing human security concerns facing the international community today. The terrorist attacks of

September 11, 2001 appear to have provided justification for increased military spending.

**Step 12. Regular reports on the implementation of Article VI, Paragraph 4 (c) of the 1995 Decision on “Principles and Objectives,” and a recollection of the 1996 ICJ Advisory Opinion.**

The strengthened review process includes provisions for “regular” reporting by the NWS, but there is not yet any commitment to report on the implementation of the “practical steps.” The 2002 PrepComm should allocate time to assess voluntary reports and consider methods to standardize reporting.

**Step 13. Development of verification capabilities to assure compliance with disarmament agreements.**

The CTBT organization has made steady progress in the development of an International Monitoring System (IMS), a global network of 337 facilities in 90 states. Construction of 121 IMS stations has been completed and another 90 are under construction. However, the U.S. reversal on the CTBT has created doubt about the entry-into-force of the treaty, which has led to complaints by others of the cost of a system that may not be fully utilized. Nonetheless, it cannot be alleged that the CTBT lacks proper

verification measures. An Independent Commission on the Verifiability of the CTBT, composed of 14 experts from 11 countries, said there was a high probability that any nuclear testing could be detected. In addition, IAEA safeguards have been strengthened with new protocols; for the small sum of \$90 million a year, the IAEA is safeguarding more than 100,000 significant quantities of nuclear material in 140 states. The IAEA remains starved of funds and depends on voluntary contributions. All verification work is under-funded.

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## **Assessment**

Analysis of the implementation, so far, of the NPT's 13 practical steps provides serious concern about the "good faith" of the NWS. It is regression from the thrust and intent of the program that is even more worrisome. Were the steps agreed to in 2000 only for political convenience? Is the "good faith" called for in Article VI evident today? Is the future of nuclear disarmament one of unrelieved gloom?

To focus on ways to inject momentum into the implementation of the practical steps, the Middle Powers Initiative convened a Strategy Consultation in 2001. Out of this deliberation, 10 “Principal Points” emerged, on which MPI recommended that governments take action in the years leading up to the 2005 Review Conference.

The “Principal Points” are:

- Sharpen the Sense of Urgency of All 13 Steps.
- De-alert Strategic Nuclear Weapons.
- Preserve and Strengthen the ABM Treaty.
- Link Unilateral Measures to the Treaty Process.
- Apply the Principle of Irreversibility.
- Address Non-strategic Nuclear Weapons.
- Ban Nuclear Testing and Bring CTBT Into Force.
- Inventory All Fissile Materials.
- Require Standardized Reporting.
- Convene New Conferences on Nuclear Disarmament.

For its 2002 Strategy Consultation, to be held on April 8 (during the NPT PrepComm), the MPI has further refined this list to three items on which immediate progress is possible: a) Link Unilateral Measures to Treaty Process and Apply the Principle of Irreversibility, b) Inventory Fissile

Materials and Strengthen IAEA Safeguards, c) Require Standardized Reporting. The elimination of nuclear weapons may not be readily attainable. But the nuclear weapons states can show their “good faith” in moving toward the goal by demonstrating immediate progress on these three topics.

The non nuclear weapons States should use the NPT’s strengthened review process to push for greater accountability; they should link the U.S. demand for consideration of nuclear terrorism and physical protection of nuclear materials to a commitment to abide by the NPT 13 Steps.

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## Appendix A

# 13 Steps

Excerpted from the NPT 2000 Review Final Document

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The Conference agrees on the following practical steps for the systematic and progressive efforts to implement Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament":

1. The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Test Ban Treaty.
2. A moratorium on nuclear weapon test explosions or any other nuclear explosions pending entry into force of that Treaty.
3. The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear nonproliferation objectives. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.
4. The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate establishment of such a body.
5. The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.
6. An unequivocal undertaking by the nuclear-weapon states to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States Parties are committed under Article VI.
7. The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the ABM Treaty as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.
8. The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.
9. Steps by all the nuclear-weapon states leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:
  - Further efforts by the nuclear-weapon states to reduce their nuclear arsenals unilaterally.
  - Increased transparency by the nuclear-weapon states with regard to their nuclear weapons capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.
  - The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process.
  - Concrete agreed measures to further reduce the operational status of nuclear weapons systems.

- A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination.
- The engagement as soon as appropriate of all the nuclear-weapon states in the process leading to the total elimination of their nuclear weapons.

10. Arrangements by all nuclear-weapon states to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside of military programmes.

11. Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.

12. Regular reports, within the framework of the NPT strengthened review process, by all States parties on the implementation of Article VI and paragraph 4 (c) of the 1995 Decision on 'Principles and Objectives for Nuclear Non-Proliferation and Disarmament', and recalling the Advisory Opinion of the International Court of Justice of 8 July 1996.

13. The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.