

# Nuclear Disarmament after New START

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## 新 START 条約後の核軍縮

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### Abstract

The purpose of this paper is to examine and propose concrete nuclear disarmament measures which should be taken following the entry into force of the New Strategic Arms Reduction Treaty (New START) on February 5, 2011. This treaty is the first concrete outcome from the famous Prague address by President Barak Obama in April 2009 and there still remain many items which should be pursued and implemented.

I will take up the issues of the further reduction of strategic nuclear weapons, the reduction of non-strategic nuclear weapons, the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), the negotiation of a Fissile Material Cutoff Treaty (FMCT), and the consideration of a nuclear weapons convention. I will examine the circumstances surrounding each issue, and make proposals for their realization.

**Key words:** New START, nuclear disarmament, CTBT, FMCT, nuclear weapons convention, non-strategic nuclear weapons

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### 抄 録

本稿の目的は、2011年2月5日に発効した新戦略兵器削減条約（新 START 条約）に引き続き取られるべき具体的な核軍縮措置を検討し提案することである。この条約は2009年4月のオバマ大統領による有名なプラハ演説の最初の具体的な成果であり、まだ追求し履行されるべき多くの課題が残されている。

ここでは、戦略核兵器の一層の削減、非戦略核兵器の削減、包括的核実験禁止条約（CTBT）の発効、核分裂性物質生産禁止条約（FMCT）の交渉および核兵器禁止条約の審議を取り上げ、それぞれの問題を取り巻く状況を検討し、進むべき方向を提案する。

**キーワード：**新 START、核軍縮、CTBT、FMCT、核兵器禁止条約、非戦略核兵器

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## Introduction

U.S. President Obama stated clearly and with conviction America's commitment to seek the peace and security of a world without nuclear weapons. He also emphasized the U.S. would reduce the role of nuclear weapons in its national security strategy and urged others to do the same in order to put an end to Cold War thinking. Based on this Prague address, the U.S. and Russia started negotiations on the reduction of strategic nuclear weapons and signed the New START on April 8, 2010. President Obama also submitted a Nuclear Posture Review (NPR) report on April 6, 2010, which is substantially different from the previous NPR submitted by then President George Bush. It states that the U.S. will neither develop new nuclear weapons, nor conduct nuclear testing, nor give a new mission to nuclear weapons.

Mainly due to his rather positive attitude toward nuclear disarmament in sharp contrast with the Bush administration, the 2010 Nuclear Non-Proliferation Treaty (NPT) review conference successfully agreed on a final document which includes 22 action plans for nuclear disarmament.

Under the New START<sup>1</sup>, the U.S. and Russia are obliged to reduce their strategic warheads to 1,550, their deployed delivery vehicles to 700, and their deployed and non-deployed delivery vehicles to 800 within seven years. The reduction of warheads would be about 30% more than agreed to under the previous treaty. This is the first significant concrete outcome for nuclear disarmament under the Obama administration, but this is just the first step towards a world without nuclear weapons. In order to attain the goal, not only the U.S. and Russia, but also other nuclear-weapons states as well as non-nuclear-weapon states alike should work harder.

President Obama, at the New START treaty signing ceremony on April 8, 2010, stated that "While the New START treaty is an important first step forward, it is just one step on a longer journey. As I said last year in Prague, this treaty will set the stage for further cuts. And going forward, we hope to pursue discussions with Russia on reducing both our strategic and tactical weapons, including non-deployed weapons<sup>2</sup>."

I will firstly examine the issue of the further reduction of strategic nuclear weapons following the New START between the U.S. and Russia; secondly, the reduction of non-strategic nuclear weapons including not only the U.S. and Russia but also NATO members; thirdly, the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), focusing on U.S. ratification and taking into account its effect on eight other states whose ratification is necessary for its entry into force; fourthly, the start of the negotiation of a Fissile Material Cutoff Treaty (FMCT) which has been blocked by Pakistan, and lastly, the consideration of a nuclear weapons convention (NWC). They concern all states in the international community as nuclear disarmament measures which should be taken following the entry into force of the

New START<sup>3</sup>.

### **Further Reduction of Strategic Nuclear Weapons**

On June 1, 2011, the aggregate number of strategic offensive arms as of February 5, 2011 was made clear through the initial exchange of data by the parties. The number of deployed strategic warheads was 1,800 for the U.S. and 1,537 for Russia against the Treaty's limit of 1,550. The number of deployed delivery vehicles was 882 for the U.S. and 521 for Russia against the Treaty's limit of 700, and the number of deployed and non-deployed delivery vehicles was 1,124 for the U.S. and 865 for Russia against the Treaty's limit of 800<sup>4</sup>.

Russia had already reduced their deployed warheads and delivery vehicles to less than the Treaty's limit at the day of its entry into force. This situation creates a good opportunity for early full implementation of the Treaty obligations if the U.S. likewise tries to reduce them faster without waiting seven years for full implementation provided for in the Treaty. The first challenge for the U.S. and Russia is to implement the reduction much sooner, and implement it before the next NPT review conference in 2015 at the latest<sup>5</sup>. That would give positive momentum for the coming NPT review conference.

The second challenge for the two is to negotiate and conclude a treaty to further reduce their strategic offensive warheads to no more than 1,000 as soon as possible. This process may be a continuous one following the New START without drastically changing the nuclear structure and composition of each state and without waiting for the participation of China, the U.K. and France. Russia is planning the development and deployment of a new kind of ICBM with multiple warheads. As Russian strategic nuclear forces are now decreasing and will soon be increasing again, the two countries should take this opportunity to make further reductions for a better and safer world without spending wasteful money for a new build-up of nuclear forces<sup>6</sup>.

According to the analysis of Bruce Blair and others, "the United States and Russia could limit their strategic nuclear arsenals to a total level of 1,000 warheads each on no more than 500 deployed launchers without weakening their respective security<sup>7</sup>."

It seems possible to take this measure independently without negotiating strategic and non-strategic nuclear weapons together under the one scheme as will be discussed later.

### **Reduction of Non-Strategic Nuclear Weapons**

Reportedly the U.S. deploys about 200 non-strategic (tactical) nuclear weapons in Europe and possesses about 300 non-strategic nuclear weapons at home, while Russia possesses 2,000-3,000 non-strategic nuclear weapons<sup>8</sup>. Following the resolution adopted by

the Senate in connection with the advise and consent to the ratification of the New START, President Obama sent a message to the Senate that “4.(a) The United States will seek to initiate, following consultation with NATO Allies but not later than 1 year after the entry into force of the New START Treaty, negotiations with the Russian Federation on an agreement to address the disparity between the non-strategic (tactical) nuclear weapons stockpiles of the Russian Federation and the United States and to secure and reduce tactical nuclear weapons in a verifiable manner.”<sup>9</sup> Russia made a unilateral statement at the time of its ratification that it has to think about withdrawal from the Treaty if U.S./NATO missile defenses threaten Russian strategic forces.

First, about 200 U.S. tactical nuclear weapons are now deployed in five European countries: Germany, the Netherlands, Belgium, Italy and Turkey. U.S. political and military officials see virtually no military utility to those weapons. Washington understands that the weapons can play an important political role as a symbol of U.S. commitment to the security of its European allies<sup>10</sup>.

Germany, the Netherlands and Belgium are demanding their withdrawal, Italy and Turkey are silent, and Eastern European states are keen on keeping a US nuclear presence in Europe<sup>11</sup>. It seems to be difficult for the U.S. to withdraw all tactical nuclear weapons from Europe unilaterally without any corresponding action from Russia. However, as the U.S. is the only state that deploys nuclear weapons outside of its own territory, this possibility should be pursued. Otherwise, the U.S. should withdraw some of the tactical nuclear weapons in general, or from the states which strongly demand their withdrawal.

A recent survey shows that fourteen, or half of all NATO member states actively support the end of tactical nuclear weapons deployment, ten more say they will not block a consensus decision to that end, and only three members say they oppose ending the deployment<sup>12</sup>.

Sam Nunn advises that NATO reconsider its position on tactical nuclear weapons and declaratory policy, and the U.S. and NATO, in coordination with Russia, move to create greater transparency, accountability and consolidation of both U.S. and Russian tactical nuclear weapons inventories, as well as explore ways to reduce the importance of nuclear weapons through changes in declaratory policy<sup>13</sup>.

Second, as the number of non-strategic nuclear weapons possessed by the U.S. and Russia is quite different as shown above, the U.S. administration is planning to start negotiation on nuclear reductions in a comprehensive manner including both strategic and non-strategic nuclear weapons together. Gary Samore, White House coordinator for arms control and weapons of mass destruction terrorism, states, “One approach to take, which is our inclination at this point, is to have a single ceiling that would include both deployed and non-deployed, strategic and nonstrategic weapons<sup>14</sup>.” Also, Thomas Donilon, White House national security advisor, comments that, “our negotiation approach to the next agreement

with Russia we believe should include both non-deployed and nonstrategic nuclear weapons. A priority will be to address the role and number of U.S. tactical nuclear weapons, as Russia takes reciprocal measures to reduce its non-strategic forces and relocates its non-strategic forces away from NATO's borders.<sup>15</sup>

In accordance with these arguments, Steven Pifer proposes that "in a negotiation on a New START follow-on agreement, U.S. negotiators seek a limit on all strategic and nonstrategic nuclear warheads, except for those retired and in the queue for dismantlement, of no more than 2,500 with a sublimit of no more than 1,000 deployed strategic warheads<sup>16</sup>." However, Miles Pomper and others argue that "The intention of US and Russian officials to finally tackle the issue of tactical nuclear weapons is welcome, yet linking the two classes of nuclear weapons at an early stage in the next round of post-START negotiations might result in more problems than it can solve<sup>17</sup>."

Micah Zenko proposes the U.S. and Russia should pursue deeper cuts through a verifiable and legally binding bilateral treaty limiting each country to no more than one thousand operationally deployed nuclear weapons, including tactical nuclear weapons. He indicates four conditions for such a treaty to be possible; New START ratification and preliminary implementation; agreement on an updated CFE Treaty; discussions between U.S. and Russian officials on controlling operational tactical nuclear weapons; and an understanding between them about U.S. missile defense capabilities that will not put a diminished arsenal of Russian ICBMs at risk, including possible missile defense collaboration<sup>18</sup>.

Alternatively, the U.S. and the Russian Federation should start negotiations for the reduction of nuclear weapons including strategic and non-strategic and deployed and non-deployed as soon as possible as a New START follow-on treaty. However, Russia worries about the U.S./NATO missile defense program which would eventually negate Russian strategic offensive forces and Russia defends its tactical nuclear weapons in order to redress the balance with stronger U.S./NATO conventional weapons.

On the issue of missile defense, both countries made unilateral statements associated with the Treaty. The Russian statement is that "the Treaty may be effective and viable only in conditions where there is no qualitative and quantitative build-up in the missile defense system capabilities of the United States. The Russian Federation further notes its position that the "extraordinary events" that could justify withdrawal from the Treaty, pursuant to Article XIV, include a build-up in the missile defense system capabilities of the United States that would threaten the strategic nuclear forces potential of the Russian Federation." On the other hand, the U.S. made a statement that "U.S. missile defense systems are not intended to affect the strategic balance with Russia. U.S. missile defense systems would be employed to defend the United States against limited missile launches, and to defend its deployed forces, allies and partners against regional threats<sup>19</sup>."

Russian Ambassador Sergei Kislyak, when talking about next steps, expressed deep concern about an interlink between ballistic missile defense development and future reduction of nuclear weapons, the situation of conventional weapons and weapons in outer space<sup>20</sup>.

Thus, new negotiations have to take these Russian concerns into account<sup>21</sup>. First, as the most challenging issue, the two states should make cooperative work on missile defense as wide and deep as possible in order to build confidence between the two<sup>22</sup>. Second, progress on the Conventional Force in Europe (CFE) Treaty regime could facilitate a new U.S.-Russia agreement on further nuclear arms cuts. The CFE and non-strategic nuclear weapons-related issues could be put in a broader context of re-building the European security architecture<sup>23</sup>.

### **Comprehensive Nuclear-Test-Ban Treaty (CTBT)**

The CTBT which was adopted in 1996 by the UN General Assembly has not entered into force yet, because nine states among forty-four designated states whose ratifications are necessary for its entry into force have not ratified it yet. First, the key state for its entry into force is the United States whose Senate rejected the Treaty in 1999 and the Bush administration strongly opposed the Treaty, looking for the possibility of nuclear testing for new kinds of nuclear weapons. However, the Obama administration has been eager to ratify the Treaty from the beginning, but the resistance from some Republican Senators is so strong that the administration has not submitted the Treaty to the Senate for its advice and consent, but has just started consultation and education for its ratification.

Against opposing views arguing that the Treaty is not sufficiently verifiable, as well as further testing will be needed to keep the U.S. nuclear arsenals safe and reliable, Robert Nelson argues that the CTBT will increase U.S. security. The CTBT is verifiable where it counts, and the U.S. nuclear arsenal can be maintained safely and reliably without nuclear testing<sup>24</sup>. Kaegan McGrath, after analyzing the issues surrounding U.S. ratification – verifiability of the Treaty, reliability of the U.S. stockpile, and the Treaty's impact on U.S. national security – concludes that CTBT ratification serves the security objectives of the United States<sup>25</sup>. Furthermore, David Hafemeister concludes that ratifying the CTBT and seeing it enter into force remains strongly in the U.S. national security interest<sup>26</sup>.

The U.S. ratification of the CTBT is the most critical and indispensable first step for its entry into force and the current Obama administration strongly supports and is working for its ratification. Now is the crucial time for the entry into force and viability of the CTBT. We have to take into account not only that the CTBT serves U.S. national interests, but it also serves the interests of international peace and security in general<sup>27</sup>, as an immediate step towards a world without nuclear weapons.

Second, we must emphasize that the U.S. ratification will have a strong impact on the eventual entry into force of the CTBT. Once the U.S. ratifies it, many states are generally believed to follow suit. Liviu Horovitz and Robert Galan-Vilella argue that Indonesia and China are likely to ratify immediately after the U.S. In the Middle East, ratifying the CTBT is most likely to be in Iran's interest. Egypt will probably spend some time even after Israeli ratification trying to use the CTBT as leverage. In South Asia, India is likely to take its time, and Pakistan's choices will be deeply influenced by those made across the border in India. Finally, North Korea's actions remain unpredictable, as always<sup>28</sup>.

Gary Samore also explains, "I think the best argument we can make for the CTBT is that it serves U.S. national security interests by giving us one tool to help constrain the nuclear buildup in Asia. I do believe that if the U.S. ratified the CTBT, it's likely that China, India, and Pakistan would all ratify the CTBT and that would create a legal and political barrier to resumption of nuclear testing<sup>29</sup>."

The CTBT, as a measure to stop a qualitative nuclear arms race and to prevent new states from conducting nuclear testing, must be crystallized into firm international legal norm as soon as possible as a step towards a world without nuclear weapons.

### **Fissile Material Cutoff Treaty (FMCT)**

Negotiations on an FMCT, which would mainly prohibit the production of fissile material for weapon purposes to stop a qualitative nuclear arms race, have not substantially begun, in spite of the fact that its negotiation has been demanded for more than 15 years. In May 2009, just after the famous Prague address by President Obama, the Conference on Disarmament (CD) agreed on the beginning of the negotiations on an FMCT, but Pakistan blocked substantive negotiations by raising procedural obstacles, as every state has a veto because the CD operates on the rule of consensus<sup>30</sup>. The 2010 session of the CD could not agree on the start of the negotiations on an FMCT either because of Pakistan's stark opposition.

Based on the action plan in the final document adopted by the 2010 NPT review conference, the UN Secretary-General called a conference to revitalize the CD in September 2010, but it resulted in no concrete measures to revitalize the CD. The Secretary-General again held the same kind of conference in July 2010, but there was no progress.

Some countries, including Japan, suggest seeking other forums to start negotiations on an FMCT. Thomas Donilon states that "Our preference is to negotiate the FMCT within the Conference on Disarmament, but it is becoming increasingly doubtful that the Conference can achieve consensus to begin such negotiations. As a consequence, we will begin consultations with our allies and partners to consider an alternative means to begin FMCT negotiations. To be successful, we will encourage all permanent members of the Security

Council and other relevant parties to participate in this effort<sup>31</sup>.”

However, China is reluctant to start the negotiations among the permanent five countries (P5) because India and Pakistan are not included. China was the only state among the P5 which strongly opposed a moratorium on producing fissile material at the 2010 NPT review conference.

Hui Zhang states that “China is believed to have stopped its production of highly enriched uranium (HEU) in 1987 and production of plutonium for weapons purposes around 1991. Due to its concerns about U.S. missile defense and space weapons plans, however, China had stated its willingness to simultaneously discuss an FMCT and the prevention of an arms race in outer space (PAROS)... U.S. missile defense and space weapons plans will affect China’s willingness to participate in an FMCT negotiation<sup>32</sup>.”

Confronting determined and fierce opposition by Pakistan and extreme reluctance by China, there appears no immediate prospect for the beginning of the negotiation of an FMCT. However, as an FMCT is one of the indispensable measures for international peace and security towards a world without nuclear weapons, stakeholders should continue dialogue and consultation taking each nation’s security concerns into account in order to build confidence to start the negotiation of an FMCT.

## **Nuclear Weapons Convention**

UN Secretary-General Ban Ki-moon, in October 2008, offered a five point proposal, asking the nuclear-weapon states to fulfill their obligation under the NPT and one of the five proposals was that “They could pursue this goal by agreement on a framework of separate, mutually reinforcing instruments. Or they could consider negotiating a nuclear weapons convention, backed by a strong system of verification<sup>33</sup>.”

The final document of the 2010 NPT review conference includes that “The Conference notes the five-point proposal for nuclear disarmament of the Secretary-General of the United Nations, which proposes inter alia consideration of negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification.”

This is the first time for the NPT review process to refer to a nuclear weapons convention in the final document, although Non-Aligned Movement (NAM) states have continuously demanded the start of the negotiations on a nuclear weapons convention since the 1996 advisory opinion of the International Court of Justice (ICJ) on the legality of threat or use of nuclear weapons. Rebecca Johnson states that “It is no longer viewed as a matter to be determined solely by the nuclear powers’ timetables and desires, but is now recognized as the legitimate business of all<sup>34</sup>.”

Barry Blechman and Alexander Bollfrass argue that “Eliminating nuclear weapons from all countries is the only realistic solution to the nuclear threat; an international treaty – stipulating elimination by a specific date – could achieve this. We already know how to design an elimination regime and how to implement it without risk to any nation’s security. There are no technical obstacles to the goal; it is strictly a matter of political will<sup>35</sup>.”

A model nuclear weapons convention was first submitted in 1997 and an updated one was submitted in 2007 by international NGOs<sup>36</sup>. There are also some expert reports proposing the elimination of nuclear weapons within some time-limit, for example by 2020 or 2030. Based on these documents, the consideration of a nuclear weapons convention should start in an official forum as soon as possible. It is very important to discuss what kind of process or what kind of timeframe is necessary. Then we can determine what the many obstacles are which we should manage to get over<sup>37</sup>.

A nuclear weapons convention with a rigid timetable that includes the final time-point for total elimination of nuclear weapons seems to be difficult to negotiate soon. Alternatively, we can pursue a framework convention for nuclear elimination, just like the United Nations Framework Convention on Climate Change. Under a framework convention, parties should agree on an unequivocal undertaking to accomplish the total elimination of their nuclear arsenals as a legal obligation. Then in order to implement that goal, the conference of parties (COP) should be convened every year to negotiate and agree on concrete nuclear disarmament measures towards that goal.

Thirdly, as a step towards a nuclear weapons convention, a convention prohibiting the use of nuclear weapons should be discussed and negotiated. The advisory opinion of the ICJ in 1996 clearly states that “the use of nuclear weapons would be generally contrary to the rules of international law applicable in armed conflict, and in particular, the principles and rules of humanitarian law<sup>38</sup>.”

The issue of non-use of nuclear weapons was discussed at the 2010 NPT review conference for the first time, and nuclear-weapons states are called upon to “discuss policies that could prevent the use of nuclear weapons and eventually lead to their elimination, lessen the danger of nuclear war and contribute to the non-proliferation and disarmament of nuclear weapons.” At this conference, humanitarian aspects<sup>39</sup> of the use of nuclear weapons were also discussed for the first time, and the conference expressed its deep concern over the catastrophic humanitarian consequences of any use of nuclear weapons, and reaffirmed the need for all states at all times to comply with applicable international law, including international humanitarian law.

Rebecca Johnson states that “First, far from undermining the NPT, the function of a nuclear weapons convention would be to fulfill the fundamental purpose and obligations enshrined in the NPT.... Second, a process of mainstreaming and embedding the abolition

norms (outlawing possession and use) at domestic and international level will need to be under way well before the diplomats reach the negotiating table.... Third, far from being premature, a universal, non-discriminatory treaty to ban the use and possession of nuclear weapons is long overdue<sup>40</sup>.”

## Conclusion

Taking the next steps after the entry into force of the New START seems to be rather difficult compared with the signature and ratification of the New START. However, internationally, in particular the United States and Russia, as states possessing more than 90 % of all nuclear weapons, have to make efforts for several concrete measures. First, they should implement the obligations under the New START much sooner than seven years and work for the reduction of strategic nuclear warheads to no more than 1,000. Second, in parallel with the negotiations for the reduction of strategic nuclear weapons, independently or together, they should make efforts to reduce non-strategic nuclear weapons including the withdrawal of U.S. tactical nuclear weapons deployed in the five European states.

Third, the U.S. administration should work hard to submit the CTBT to the Senate for its advice and consent for ratification as soon as possible. The ratification by the U.S. would surely encourage other countries to proceed with ratification and lead the way for the entry into force of the CTBT. Fourth, the negotiations of an FMCT should start at the Conference on Disarmament or another forum by taking measures to build confidence and trust among stakeholders.

Finally, international society should begin discussions and consideration of a nuclear weapons convention or a framework convention abolishing nuclear weapons in an official forum such as the General Assembly of the United Nations. In addition a treaty prohibiting the use of nuclear weapons should be discussed and negotiated.

In parallel with the efforts towards these nuclear disarmament measures, other measures which will build confidence or resolve disputes peacefully should be pursued.

## (Endnotes)

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