

Grading Progress on 13 Steps Toward Disarmament

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Summary

- At the May 2009 Nuclear Non-Proliferation Treaty (NPT) Preparatory Committee meeting in New York, and again at next year's NPT Review Conference, the 13 Practical Steps Toward Nuclear Disarmament will be a critical topic of discussion.
- Some steps toward nuclear disarmament have been taken but much more needs to be done.
- New approaches, such as Japan's "11 Benchmarks for Global Nuclear Disarmament," can help spark needed debate on how to move forward.
- Reinvigorated U.S. leadership can help significantly, but all states need to engage.

As states consider final preparations this month in New York for the Nuclear Non-Proliferation Treaty (NPT) 2010 Review Conference, they will watch closely to see how the United States frames its vision of the future of the NPT. In particular, they will pay serious attention to how the United States and other nuclear-weapon states treat what have become known as the "13 Practical Steps" toward nuclear disarmament.

Now that the United States and Russia have pledged another round of reductions, the UK and France have taken further disarmament steps, and President Obama has called for a world without nuclear weapons, are the 13 Steps really relevant? Absolutely. For some non-nuclear-weapon state parties to the NPT, the 13 Steps are still the currency of the nuclear bargain—an agreement that was tough to achieve and should not be relinquished lightly.¹ It wasn't always this way. For example, in 2001, Undersecretary-General for Disarmament Affairs Jayantha Dhanapala told a Middle Powers meeting that

“Nobody ever intended the 13 steps to be sacred scripture, immutable in time or inflexible in implementation.”

However, flexibility may have been more fashionable before the Bush administration outright rejected the 13 Steps, systematically walking back many of the commitments agreed upon in 2000. In 2001, the Bush administration made clear that it would not seek to ratify the CTBT; in 2002, the administration abrogated the ABM Treaty and halted, with Russian agreement, the Trilateral Initiative to work on verification of weapon-origin material. In 2004 Bush officials rejected the notion of a verifiable treaty to ban the production of fissile material for nuclear weapons and by 2005, the inability of the U.S. delegation to the NPT Review Conference to reaffirm its commitment to the 13 Steps came as no surprise. France rejected the 13 Steps too, and Russia agreed privately.

Since 2001, debate about the 13 Steps has taken on an increasing theoretical tone. Some non-nuclear-weapon states privately have despaired over achieving any progress, while publicly calling for specific, far-reaching actions. And some nuclear-weapon states have claimed to be making progress while disavowing the package as a whole. French and U.S. efforts to seek to omit any reference at all to the 13 Steps at the 2005 NPT Review Conference were seen by some as particularly damaging.

There is an opportunity for the 2010 NPT Review Conference to refurbish the 13 Steps. Their purpose is as relevant as before, perhaps more so as the world considers efforts to reduce the threat of nuclear terrorism. Moreover, the 13 Steps, or something like them, would have to be traveled on almost any conceivable pathway to nuclear disarmament. It is imperative for all states to help define that pathway, not just the nuclear weapon states. Article VI of the NPT applies to all states, not only the five nuclear-weapon states. In short, it is time for a fresh look at the 13 Steps—their meaning, purpose, and viability. When delegates meet in New York in May, they need to ask the question: How can the 13 Steps be shaped into a viable path toward disarmament?

Why 13 Steps?

Article VI of the NPT commits each state party to the NPT 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, and on a treaty on general and complete disarmament under strict and effective international control.” Such a broadly worded commitment is, however, easily open to interpretation. When states met in 1995 to decide whether or not to extend the NPT indefinitely, it was important to obtain a serious commitment to disarmament steps by the nuclear-weapon states. In fact, it is doubtful that the NPT would have been extended indefinitely in 1995 without such a commitment. At the 1995 NPT Review and Extension Conference, states agreed on the following program of action: an early conclusion of a

Comprehensive Test Ban Treaty no later than 1996, a test moratorium pending entry into force of the treaty, a treaty to ban production of fissile material for nuclear weapons, and systematic and progressive efforts to reduce nuclear weapons.² This program of action was declared in the 1995 Principles and Objectives for Nuclear Non-Proliferation and Disarmament document.

In 1998, the New Agenda Coalition—Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden—collaborated to define a series of steps that states could agree to take toward disarmament. The New Agenda Coalition pursued these measures both in resolutions in the UN First Committee and the General Assembly and at the 2000 NPT Review Conference. By 2000, although a CTBT had been signed, it was clear that the United States, for one, would not ratify it. Nuclear tests by India and Pakistan in 1998 were also troubling. The New Agenda Coalition sought to create more specific milestones by which the progress toward disarmament could be measured, particularly where the 1995 decision document called for systematic and progressive efforts to reduce nuclear weapons. And the nuclear weapon states, realizing that they could not so quickly back away from disarmament commitments made in 1995 that were crucial to the indefinite extension of the treaty, agreed to a longer, if not more specific, list of measures.

Measuring Progress in the 13 Steps

At the 2007 Preparatory Committee meeting, a proposal was made for the Secretariat to compile a table comparing measures undertaken by nuclear-weapon states in complying with their obligations under Article VI of the treaty for the 2010 Review Conference.³ This apparently did not resurface at the 2008 Prepcom, perhaps because the French and British provided additional transparency on their plans for nuclear weapons.⁴ While a comparative, objective scorecard on how well states have met the objectives of the 13 Steps would be useful for the 2010 Review Conference, there are several difficulties with this.

First, although some of the 13 Steps are very specific (e.g., entry into force of the CTBT, a testing moratorium, and FMCT negotiations), others are vague and do not easily lend themselves to measurement. Judgments on whether the role of nuclear weapons has been diminished in security policies can be subjective. Second, most of the 13 Steps require action by all of the nuclear-weapon states. In some cases action by other states is required, including presumably India, Pakistan, and Israel. In these cases, some took action and some did not, so no collective grade is possible. In other cases, some states hid behind others who did not perform, so a fair grade is difficult to assess. In addition, the timeframe for some of the actions is months or years, while others would require decades. Therefore, rather than a scorecard, the table below offers a rough assessment of progress from 2000 to 2008, with a brief commentary on performance of each of the 13 Steps.

It is too soon to tell whether the ambitious plans of the Obama administration in nuclear security, nonproliferation, and disarmament will be successful, but preliminary credit should be given for offering a new direction in these areas. On April 5, 2009, President Obama gave a speech in Prague that outlined an ambitious agenda for the coming years. In addition to stating his own conviction that the United States will seek a world without nuclear weapons, he said the United States would take concrete steps toward such a world and would reduce the role of nuclear weapons in U.S. national security policy. Other elements of the plan include negotiating a new strategic arms control treaty with Russia, bringing all nuclear-weapon states into discussions about arms control, bringing the CTBT into force, and negotiating an FMCT. All of this should go far toward assuaging concerns about previous U.S. positions on these issues, but as noted above, even the 13 Steps will not be implemented without the help of nuclear-weapon and non-nuclear-weapon states alike.

Measuring Progress in the 13 Steps

GUIDE TO GRADING

- ⊘ Actions/words negate 13 Steps process
- ▼ Actions/words unhelpful to 13 Steps process
- N.A. not applicable
- ▲ helpful, but not fully compliant
- Meets that particular step milestone
- ? Wide variety of opinions on progress

STEP	U.S.	RUSSIA	CHINA	FRANCE	UK
1. CTBT : Early entry into force of a Comprehensive Test Ban Treaty, without delay and without conditions. ¹	▲ ^e	●	▲	●	●
2. Testing : A moratorium on nuclear testing pending entry into force of a CTBT. ²	●	●	●	●	●
3. FMCT : Necessity of negotiations in the CD of a nondiscriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for use in nuclear weapons. ³	⊘ ^f	●	▼	●	●
4. CD role on disarmament : Necessity of creating an appropriate subsidiary body in the CD with a mandate to deal with nuclear disarmament. ⁴	▼	▼	▼	▼	●
5. Irreversibility The principle of irreversibility to apply to nuclear disarmament, nuclear, and other related arms control and reduction measures. ⁵	▼	⊘	?	▲	?
6. Unequivocal undertaking : An unequivocal undertaking by NWS to totally eliminate their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI. ⁶	⊘ ^g	⊘	⊘	⊘	⊘
7. START II, III, ABM The early EIF 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. ⁷	⊘	⊘	N.A.	N.A.	N.A.

COMMENTS

e. The Obama administration has said it will immediately and aggressively pursue CTBT ratification, under an effort led by Vice President Joseph Biden. It will also pursue diplomatic efforts with other states whose ratification is necessary for the treaty to enter into force.

f. The Obama administration has said it will pursue an effectively verifiable FMCT, which is a shift from the Bush administration position on verification.

g. In a speech on April 5, 2009 in Prague, President Obama said, "I state clearly and with conviction America's commitment to seek the peace and security of a world without nuclear weapons."

1. The UK, France, and Russia have all ratified the CTBT; the United States and China have signed but not ratified. However, CTBT entry into force requires more than just the ratification by the United States and China because it requires 44 states in Annex 2, including India, Iran, and North Korea, among others.

2. Although India and Pakistan are not party to the NPT, India has committed to a testing moratorium. Their adherence to this, as well as adherence by Israel and North Korea, is critical.

3. The United States proposed a draft FMCT treaty in 2004 that did not contain verification measures, a setback from its adoption of the 1995 Shannon mandate that called for effective verification. China and Russia insisted for many years on linkage between outer space, disarmament and FMCT; China still insists on linkage with outer space negotiations. To get negotiations going, India, Pakistan, and Israel will also have to agree to a negotiating mandate.

4. As described above, China has insisted on linkage among disarmament, FMCT and PAROS; Russia, France and the United States have traditionally opposed a subsidiary body but now appear open to an informal group with would discuss, not negotiate. It is not clear what "deal with disarmament" means.

5. The Moscow Treaty is a seen by many as setback for irreversibility in strategic arms control; France's actions to dismantle its fissile material production facilities are positive. Unclear how to measure UK and China. China is modernizing its nuclear forces and the UK will replace existing Trident submarines.

6. It is difficult to measure an "unequivocal undertaking," but no state has completely matched actions with statements supporting a world free of nuclear weapons.

7. The U.S. abrogation of the ABM treaty in 2002 effectively nullified START II. While the Moscow Treaty (or SORT) drew down operationally deployed weapons to between 1700 and 2200 by 2012, it contained no verification provisions and is reversible. The United States and Russia intend to negotiate a follow-on agreement to START I, which expires at the end of 2009.

Measuring Progress in the 13 Steps (continued)

STEP	U.S.	RUSSIA	CHINA	FRANCE	UK
8. Trilateral Initiative The completion and implementation of the Trilateral Initiative between the United States, Russia, and the IAEA. ⁸	▲	▲	N.A.	N.A.	N.A.
9. Steps by all nuclear weapon states leading to nuclear disarmament					
a. Further unilateral reductions. ⁹	●	⊘	⊘	●	●
b. Increased transparency. ¹⁰	●	⊘	⊘	●	●
c. Further reduce non-strategic nuclear weapons. ¹¹	▲	▲	⊘	N.A.	N.A.
d. Concrete agreed measures to reduce operational status of nuclear weapons. ¹²	▼ ^h	⊘	▲	⊘	▼
e. Diminishing role for nuclear weapons in security policies. ¹³		⊘	⊘	⊘	⊘
f. Engagement by all NWS in process, as soon as appropriate. ¹⁴	N.A.	N.A.	⊘	⊘	⊘
10. Excess fissile material under verification. ¹⁵	●	●/▼	⊘	⊘	●
11. Reaffirmation that ultimate objective in nuclear disarmament is general and complete disarmament under effective international control. ¹⁶	●	●	●	●	●
12. Regular reports, within the framework of strengthened review of the NPT and recalling the 1996 advisory opinion of the ICJ. ¹⁷	▲	▲	▲	▲	▲
13. Verification development for the achievement and maintenance of a nuclear-weapon-free world. ¹⁸	●	●	▼	⊘	●

h. Although Obama campaign literature stated he would reduce the hair-trigger alert status of nuclear weapons, not much has been said on this topic since he took office.

COMMENTS

8. The Trilateral Initiative ran from 1996 to 2002. Although definite progress in verification was made, this does not constitute completion or implementation.

9. The United States, UK, and France have all announced unilateral reductions, although through 2008, U.S. reductions seem to be in deployed weapons, rather than stockpiles.

10. China and Russia have not provided greater information about nuclear weapons.

11. Although the United States and Russia have drawn down nsnw, it is not clear that there have been further reductions since 2000. The US and NATO have lowered some alert levels, but alert levels of U.S. ICBMs are still a problem.

12. China argues that its readiness and no-first-use policy constitute lower operational status, but this is not an agreed measure.

13. The United States argues that the 1994 Nuclear Posture Review demonstrated a diminished role for nw in its security policy but this is not entirely clear.

14. It is not clear when it will be "appropriate" to engage all other nws, but the outlook seems more positive now than before.

15. The United States declared 174 tons of HEU and 52 tons of plutonium, a small portion of which has been declared eligible for IAEA safeguards inspections. Russia declared "up to" 500 tons of HEU and "up to" 50 tons of plutonium that "becomes available through the disarmament process," which is not safeguarded. The UK declared 4.4 tons of plutonium excess, which is safeguarded by EURATOM.

16. All NWS rhetorically support nuclear disarmament within context of appropriate security conditions, although it is likely that few officials believe general and complete disarmament is possible or even desirable. The question of effective international control is rarely broached.

17. All have provided regular reports during the preparatory committee meetings since 2000, although the content of those reports is not standard. The 1996 ICJ opinion has been disputed by at the least the United States.

18. U.S. and Russian efforts under the Trilateral Initiative have helped here, as well as UK plans to hold verification workshops related to a nwf world; Chinese activities on CTBT could also fall in this category.

Looking Forward

Looking forward, one of the lessons learned from the 13 Steps is that negotiators must navigate a small space within which such steps can truly be measurable. The more specific they are, the less likely they may be achieved precisely as worded or within a particular timeframe, leading to tension between states that are parties to the NPT. Yet the less specific the steps are, the more inclined nuclear-weapon states may be to creatively interpret or avoid compliance; in response, non-nuclear-weapon states may not be satisfied with moderate measures, but seek measures more difficult to achieve. This outcome is also not helpful for collaboration under the NPT. For example, states seeking more transparency in the disarmament process have been frustrated by the 2000 Final Document requirement for states to submit regular reports on progress toward disarmament. The lack of consistency in reporting led the Middle Powers Initiative and others to propose that the reports be standardized. While this may be a useful approach in other areas, for example, in meeting reporting requirements under UN Security Council Resolution 1540, it is not likely to be productive in the area of nuclear disarmament. In part, this is because nuclear weapon capabilities at this time are significantly uneven, but rigidity in reporting may also not allow nuclear-weapon states to claim credit for significant improvements. For example, efforts in cooperative threat reduction or in raising nuclear security would not now be considered under the 13 Steps framework, but clearly add to a more secure environment in which other reductions are possible.

Rather than simply update the 13 Steps, it may be more productive to take a bolder approach. In April 2009, Japan's Foreign Minister Nakasone proposed "11 Benchmarks for Global Nuclear Disarmament." Rather than describing its steps under the traditional pillars of the NPT—nuclear disarmament, nonproliferation, and peaceful uses of nuclear energy—the Japanese minister described his preferred "conditions toward zero" as resting on three other pillars: efforts by nuclear-weapon-holding states (nuclear-weapon states under the NPT plus those outside the treaty); efforts by the entire community (which includes CTBT, FMCT, and restrictions on ballistic missiles); and measures taken by countries that aspire to nuclear energy (safeguards, safety, and security).

This approach reduces the polarizing effect of measuring nuclear disarmament commitments against nonproliferation and peaceful uses commitments. It makes the disarmament project truly a global one, rather than something for which the nuclear-weapon states first have to take responsibility.

The 11 Benchmarks do not purport to be a substitute for the 13 Steps, but seem to weed out some of the less productive of them. The Japanese proposal omits reference to a CD subsidiary body on disarmament, the Trilateral Initiative, an unequivocal undertaking of nuclear-weapon states toward disarmament, those related to further reductions by nuclear-weapon states,

excess fissile material, and reporting requirements. While steps aimed at verification, placing excess fissile material under safeguards, and further unilateral reductions are arguably quite important, it may be that the most productive approach is simply to gather momentum for a new framework that focuses on zero nuclear weapons, rather than revisiting which specific 13 Steps are no longer relevant and why.

Recommendations

Delegates to the NPT Preparatory Committee meeting this month in New York have an opportunity to plant the seeds for fruitful discussions next year on strengthening the NPT. Statements by the U.S. and Russian governments on strategic arms reductions could help improve the mood at the Prepcom on nuclear disarmament progress, but they cannot carry all the water. States will be watching closely how the nuclear weapon states approach the 13 Steps. There is little reason to reject the 13 Steps on the basis that several of them are outdated (e.g., commitment to the ABM Treaty, completion of the Trilateral Initiative), but there are many reasons to propose moving beyond them. Promoting a new approach that reflects the growing agreement that we must seriously strive toward a world free of nuclear weapons could provide a much-needed boost to shore up the nonproliferation regime.

U.S. leadership could help the process significantly. The Obama administration has said little so far about its approach, except to say that a package similar to the 13 Steps could help build the wide support needed to bolster the NPT regime. In January 2009, Secretary of State Clinton stated that: “Gaining the necessary support among NPT parties [for the 13 steps] will require the US and the other nuclear powers to demonstrate that they take seriously their obligations to pursue nuclear disarmament. While the conditions surrounding the agreement on the so-called ‘thirteen steps’ at the 2000 NPT Review Conference have changed, support for a similar package at the 2010 conference could help build the wide support needed to bolster the NPT regime.”

Other nuclear weapon states need to do their part also. For example, while certain Russian initiatives are helpful, their increasing emphasis on the role of nuclear weapons in security policies needs to be redirected. It will be particularly important for China to provide more transparency on its nuclear force modernization efforts, particularly since it plays such a key role in Indian, and therefore Pakistani, strategic decision making. Between the May Prepcom and the 2010 Review Conference, the dialogue on disarmament should be expanded, as the Japanese have suggested, to all nuclear-weapon–holding states. India must make good on its promises to enter the nonproliferation mainstream by taking on the nonproliferation responsibilities of other advanced nuclear states. Israel and Pakistan should do the same, particularly if they want to expand the role of nuclear energy in their countries. Global nuclear disarmament requires that all states participate in shaping the

process and that those outside the nonproliferation regime enter into the process.

At the NPT Review Conference, elements of a package similar to the 13 Steps will undoubtedly include CTBT, FMCT, and U.S.–Russian strategic nuclear arms reductions, but should also include the following:

- Verification on disarmament (building on the successes of the Trilateral Initiative and moving into new areas of verification development)
- Transparency on fissile material stocks (similar to the Fissile Material Control Initiative proposed by Robert Einhorn at the Oslo conference in September 2008)
- Measures on reducing the operational readiness of nuclear weapons
- Transparency on nuclear force postures and the role of nuclear weapons in security postures, as well as concrete measures to reduce the role of nuclear weapons in security. This would include not just the nuclear-weapon–holding states but also NATO.

The nuclear disarmament process must necessarily go above and beyond the NPT, particularly since there are now four states outside the regime. Yet it must also travel through the NPT, since nonproliferation is a sine qua non of disarmament. It is therefore essential that all states take the disarmament discussions seriously within the treaty review process, with an eye toward a safer world.

Notes

¹ See Deepti Choubey, *Are New Nuclear Bargains Attainable?* Carnegie Endowment for International Peace Report, November 2008.

² Principles and Objectives For Nuclear Non-Proliferation And Disarmament, NPT/CONF.1995/32 (Part I), Annex.

³ See Chairman's informal summary, available at <http://www.acronym.org.uk/npt/chair.pdf>.

⁴ See, for example, British Prime Minister Gordon Brown's speech on March 17, 2009 (available at <http://www.number10.gov.uk/Page18631>) and French President Nicolas Sarkozy's speech at Cherbourg on March 21, 2008, available at http://www.ambafrance-uk.org/President-Sarkozy-s-speech-at_10430.html.

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