



## **U.S. Compliance With Article VI of the Non-Proliferation Treaty (NPT)**

**Stephen G. Rademaker, Assistant Secretary of State for Arms Control**

Remarks at a Panel Discussion at the Arms Control Association

Carnegie Endowment Building, Washington, DC

February 3, 2005

### **Introduction**

The United States has long viewed the Treaty on the Non-Proliferation of Nuclear Weapons as an essential instrument of international security. The importance of this Treaty has only increased since 9/11, as our apprehensions have grown about the potential threat of terrorists armed with weapons of mass destruction.

We therefore view with great alarm the crisis of noncompliance that today faces the NPT. If left unaddressed, this noncompliance will threaten the credibility and viability of the Treaty itself. We find it especially troubling that countries responsible for creating this crisis, including Iran and North Korea today, and Libya and Iraq in the past, are also countries that have long been listed by the United States as state sponsors of terrorism. These countries have an established record of providing support to terrorist organizations, and we have to worry that, should they acquire nuclear weapons, they might be tempted to provide these weapons to their terrorist allies.

For these reasons, one of our chief objectives at the upcoming NPT Review Conference will be to build a consensus that strict compliance with the nonproliferation obligations of the Treaty -- that is, Articles I, II, and III -- is fundamental to international security, and that there must be effective and sustained international action in cases of noncompliance to enforce the Treaty and deter future would-be violators.

To strengthen compliance with the Treaty, we also will seek to build a consensus that the Additional Protocol is the new minimum safeguards standard, and that it should be universally implemented and adopted as a condition of peaceful nuclear supply.

In addition, we will seek to build a consensus that the benefits of peaceful nuclear cooperation, which are the subject of Article IV of the Treaty, should not be available to those governments in noncompliance with their nonproliferation obligations under Articles II and III. All states parties must do a better job of preventing Article IV -- sometimes called the "excuse Article" -- from being used to mask prohibited activities, or to claim immunity from punitive measures once prohibited activities are uncovered.

Of course, when we begin to talk about compliance with the NPT, we often hear charges that the nuclear weapons states in general, and the United States in particular, are not making enough progress toward the goal of nuclear disarmament, are not taking specific steps deemed important to nuclear disarmament, or, in the extreme, are not complying with their obligations under Article VI of the NPT. Even worse, some claim that poor performance by the nuclear weapons states under Article VI explains, or even excuses, violations of the Treaty by such countries as Iran and North Korea. Such thinking is not only, misguided, it is dangerous. The fact is that these countries' violations are a serious threat to international peace and security and require a strong international response regardless of how Article VI implementation is perceived. But these charges against the United States are utterly without foundation, and therefore this entire debate is a regrettable

distraction from the real compliance issues that confront the NPT and threaten the security of all nations.

### What Article VI Requires

I've been asked today to address U.S. compliance with Article VI of the NPT. Critics of U.S. compliance with Article VI point in many directions to make their case against us, but the one direction in which they almost never point is the text of Article VI itself. One might think this a bit odd considering that our legal obligations under the NPT are defined in the Treaty text. But it is also understandable, because even a cursory review of the Treaty text leaves so little doubt about our compliance with the obligations set forth in Article VI that our critics would have little to complain about if they restricted themselves to arguments based on the text of that article. So typically they skip over Article VI itself and rely instead on authorities outside the Treaty text itself, such as policy declarations, government pronouncements, and the academic literature.

Needless to say, I do not propose to skip over the text of Article VI, but rather to use it as the starting point of my analysis, as it properly should be in any discussion of compliance with Article VI. Article VI is just one sentence long, reading as follows:

Each of the Parties to the Treaty undertakes 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.

Several points jump out immediately from this very short provision. **First**, the provision nowhere refers specifically to the nuclear weapons states. To the contrary, the obligations of Article VI clearly are imposed equally on the nuclear weapons states and the non-nuclear weapons states, although obviously the clauses relating to the nuclear arms race and nuclear disarmament primarily affect the nuclear weapons states.

**Second**, the obligation imposed on all NPT states parties is to "pursue negotiations in good faith on effective measures. . ." Thus, Article VI does not literally require the conclusion of "agreements" relating to disarmament. This is clear from both the text and the negotiating history of the NPT. Although there were proposals to require the nuclear weapons states to agree on certain specific measures, the states negotiating the NPT recognized that it was not possible to make a binding legal commitment in advance to reach agreement on such complex measures. Nevertheless, the United States has engaged in negotiations relating to cessation of the nuclear arms race and nuclear disarmament, and it has made significant progress, as I will describe in a moment.

**Third**, Article VI calls for negotiations aimed at three separate but related objectives:

- the cessation of the nuclear arms race at an early date;
- nuclear disarmament; and
- a Treaty on general and complete disarmament under strict and effective international control.

**Fourth**, the language of Article VI establishes no timetable and sets no deadline for accomplishing these objectives. The language does suggest that cessation of the nuclear arms race is the most urgent of the three objectives, because the negotiations are to seek to end that arms race "at an early date." But the language contains no suggestion that nuclear disarmament is to be achieved before general and complete disarmament is achieved. Nuclear disarmament would obviously be an element of general and complete disarmament. At the same time, the text and negotiating history of the NPT support the expectation that efforts toward complete nuclear disarmament would be linked with efforts toward general and complete disarmament. In short, there is a clear relationship between these two objectives. It follows that if anyone wishes to argue that the nuclear weapons states are in default on their obligations relating to nuclear disarmament, they will have a difficult time explaining why all NPT states parties are not also in default on their obligations relating to general and complete disarmament.

I will not dwell on this, however, because the principal point I wish to make today is that under any plausible interpretation of Article VI, the United States is in full compliance with its obligations.

### **The Record of the United States**

With regard to the first objective of Article VI, that we "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date," I think it is manifest that this objective has been fully realized. The nuclear arms race ended well over a decade ago, and since then both we and the Russians have been working diligently to reduce our respective nuclear arsenals. Some might argue that it was the end of the Cold War rather than negotiations in accordance with Article VI that brought about the cessation of the nuclear arms race, but such an argument would overlook the contribution that arms control made to ending the Cold War. Taken collectively, the INF Treaty, the START Treaty, and the CFE Treaty bracketed the end of the Cold War and helped lock in place the non-confrontational relationship that exists between the United States and Russia today.

With regard to the second objective of Article VI, that we "pursue negotiations in good faith on effective measures relating to . . . nuclear disarmament," I again think it is indisputable that we have more than fulfilled our obligations. Ever since the NPT entered into force in 1970, we have been negotiating and, in many cases, reaching agreement with first the Soviet Union, and today Russia, on effective measures relating to nuclear disarmament. Beginning with the SALT I Treaty in 1972, and continuing through the INF and START I Treaties, we successfully concluded and brought into force treaties that were highly effective in contributing to nuclear disarmament. To be sure, we had some false starts along the way, such as the SALT II and START II Treaties, which were signed but not brought into effect. But even these treaties, unratified as they were, helped foster a climate of restraint that contributed to nuclear disarmament.

The result has been an impressive record of achievement. Over the past 15 years, we have:

- Reduced from over 10,000 deployed strategic warheads to less than 6,000 by December 5, 2001 as required by the START I Treaty.
- Eliminated nearly 90% of U.S. non-strategic nuclear weapons and reduced the number of types of nuclear systems in Europe from five in 1991 to just one today.
- Dismantled more than 13,000 nuclear weapons since 1988.
- Not produced highly enriched uranium for nuclear weapons since 1964 and halted the production of plutonium for nuclear weapons in 1988.
- Not conducted a nuclear explosive test since 1992.
- Removed more than 200 tons of fissile material from the military stockpile; enough material for at least 8,000 nuclear weapons.

These efforts have been continued, and indeed accelerated, under the Bush Administration. The Moscow Treaty, signed by Presidents Bush and Putin on May 24, 2002, and entered into force on June 1, 2003, represents a new milestone in nuclear arms reduction. This Treaty requires both countries to reduce their strategic nuclear warheads to 1700-2200 by December 31, 2012. This nearly two-thirds reduction from 2002 levels represents the largest reduction in nuclear warheads ever required under a strategic arms control treaty. Upon completion of the Moscow Treaty reductions in 2012, the United States will have reduced about 80% of the strategic nuclear warheads that we had deployed in 1991. And we are not waiting until 2012 to implement these reductions. In accordance with the Moscow Treaty, we already have deactivated 37 of 50 Peacekeeper ICBMs, removing a total of 370 nuclear warheads from deployed status. Deactivation of the remaining 13 Peacekeeper ICBMs is scheduled for completion by October of this year. In addition, we have removed four ballistic missile submarines from strategic service, removing hundreds more nuclear warheads from deployed status.

In view of the Moscow Treaty, it is manifest that, under President Bush's leadership, the United States has continued to meet its obligation under Article VI to "pursue negotiations in good faith on effective measures relating to . . . nuclear disarmament."

The Moscow Treaty is not the only step taken by the Bush Administration with positive ramifications

for Article VI. The 2002 U.S. Nuclear Posture Review also represents good news for nuclear disarmament, despite misleading and inaccurate portrayals at the time of its release, some of which persist to this day. Many critics falsely charge that the United States is developing new low-yield weapons and pursuing policies that will lead to a reduction in the so-called threshold of nuclear weapons use. In fact, the contrary has happened: the United States is now pursuing policies that will reduce its reliance on nuclear weapons.

The premise of this new approach to deterrence is that the time has come to shift the emphasis away from nuclear forces to other means, including conventional forces, missile defenses, and a more responsive defense infrastructure. This represents a very significant change in the U.S. deterrence concept, and one that makes sense in the new security environment. The United States has many programs designed to implement this policy shift. For example, we are developing and deploying a missile defense system as well as developing advanced conventional weapons programs.

Consistent with our alliance commitments and defense requirements, it is our policy to continue to plan for contingencies and conceptually explore technical options that could maintain the credibility of our nuclear deterrent capability. Looking at options says nothing about what we will do. The fact is that the United States is not developing any new nuclear weapons, including low-yield nuclear weapons. The study of new weapons designs under funding provided by Congress in past years for advanced concepts has been entirely conceptual. Most of this funding was directed toward examining the feasibility of a more effective nuclear earth penetrator than the B61 mod 11 bomb introduced into the nuclear stockpile during the latter part of the Clinton Administration. And, as you know, Congress did not continue funding for this work in FY 2005. Furthermore, the United States has no plans to conduct a nuclear explosive test, and continues to observe its nuclear testing moratorium. We encourage other states not to test as well. These U.S. nuclear weapons policies may not be altered without a presidential decision and congressional authorization.

**Finally**, it is important to note that the United States has had low-yield nuclear weapons in its stockpile for decades, and does today. A new low-yield weapon, therefore, would not lower the nuclear threshold in any way. The political leadership of the United States, now and in the future, will have a keen appreciation for the consequences of a decision to use nuclear weapons. The nuclear threshold is and will remain very high.

The strong record of the United States on Article VI is reinforced by our cooperative threat reduction activities in the former Soviet Union. The United States continues to work hard to foster such cooperation through programs run by the Departments of State, Defense and Energy -- the total U.S. commitment in dollars over the past 15 years exceeds \$9 billion, and now averages over \$1 billion a year. We are spending hundreds of millions of dollars each year to dismantle missiles and WMD in the United States and Russia, while spending zero -- let me repeat -- zero dollars on the development or production of new nuclear weapons.

The results are amazing. Under these programs, over 1000 ballistic missiles from the former Soviet Union have been eliminated; more than 600 air-to-surface nuclear missiles have been destroyed along with 126 bombers and 27 ballistic missile submarines. More than 6,000 strategic nuclear warheads have been removed from deployment. In FY 2003 alone, the program destroyed nearly 130 submarine and land-based ballistic missiles -- enough delivery capability to launch thousands of Hiroshima-size bombs.

The totality of this work represents an enormous contribution to the goal making nuclear reductions irreversible, and toward the Article VI goal of nuclear disarmament. Without this U.S. investment, there would have been significant delays in the elimination of strategic forces in the states of the former Soviet Union along with the attendant risk of theft, diversion, or accidental or unauthorized use of these forces.

The United States and Russia have also cooperated in a wide range of programs related to the security and disposition of fissile material useable in nuclear weapons. In 1997, we concluded a bilateral agreement to ensure the permanent shutdown of both sides' 27 plutonium production reactors.

Also, over 200 tons of highly enriched uranium (HEU) from Russia's military stockpile have been converted to low enriched uranium fuel for civil reactors, with more to be eliminated in this fashion. The United States has identified 174 tons of excess HEU for this purpose -- about 60 tons have been processed to date. Together, the United States and Russia have already converted into peaceful uses enough HEU to make 10,000 nuclear weapons -- another dramatic contribution to irreversibility.

Both countries remain committed to implementation of the 2000 agreement under which each will dispose of 34 tons of excess plutonium from their military stockpiles. The Department of Energy hopes to spend over \$600 million dollars in FY 2005 to fund this multi-year effort, including assistance to Russia's program. Construction of the U.S. facility to fabricate the U.S. plutonium into reactor fuel is projected to start in FY 2005.

### **Conclusion**

Taking into account all of these accomplishments, the United States is justifiably proud of its compliance with the nuclear disarmament-related provisions of Article VI. Most importantly, however, we must not let the discussion of compliance with Article VI distract attention from the most serious challenge facing the NPT today -- the challenge of noncompliance by some states with their nonproliferation obligations under the Treaty. Nothing threatens the integrity of the NPT more than this.

Released on February 3, 2005