Revisiting the 13 Practical Steps

Expectations are high for the Obama administration in diplomatic circles around the world, not least among those who will participate in the 2010 Review Conference (RevCon) of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the 2009 Preparatory Committee (PrepCom) leading up to it.

These expectations will be difficult to meet. A key test will be the 13 steps, which were critical to the 2000 RevCon's success. At the RevCon, the states parties agreed to 13 practical steps, which were designed as "systematic and progressive efforts to implement Article VI of the Treaty …and paragraphs 3 and 4(c) of the 1995 Decision on 'Principles and Objectives for Nuclear Non-Proliferation and Disarmament'." As this suggests, the 13 steps were clearly tied to both Article VI the treaty and to the commitments of the Principles and Objectives document agreed in 1995 as a part of the extension decision.

There was an expectation by many states and nongovernmental organizations (NGOs) that progress on these steps would occur in 2005. However, the Bush administration moved away from the steps, arguing that they were not a good measure for assessing Article VI compliance. According to an administration spokesman:

> It is important to recognize that the step-by-step process inherent in Article VI implementation will take place amidst changes. The security environment can change as can governments and governmental policy. We made clear last year that the United States no longer supports all 13 steps. However, we unambiguously continue to support Article VI and the goal of nuclear

> disarmament. This goal will not be reached quickly or without enormous effort by all NPT parties. Article VI reflects this reality and sets no timelines or milestones.
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> We think it is a mistake to use strict adherence to the 13 steps as the only means by which NPT parties can fulfill their Article VI obligations. It is also important not to confuse the political consensus reflected by the 2000 Final Document with the legally-binding obligations of the Treaty itself.[1]

This view was necessitated, it was argued, because the changed, post 9/11 world had made some steps irrelevant. The administration largely did not discuss the steps in the 2005 RevCon cycle, even though it was implementing many of the steps. The reaction of the international community to this posture was highly critical. Many argued that the steps along with the 1995 Principles and Objectives were legally binding.[2] Whether or not they were seen as legally binding, many NPT parties viewed the Bush position as an unacceptable step backwards.

The steps remain for most NPT parties the benchmarks for assessing disarmament progress,[3] and the Obama administration will have to address them.

The Obama administration has already signaled its plans to implement several of the steps not pursued by the Bush Administration, and will certainly continue those pursued

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[1] Statement by J. Sherwood McGinnis, Deputy US Representative to the Conference on Disarmament, to the Second Session of the Preparatory Committee for the 2005 NPT Review Conference, Geneva, *Switzerland May* 1, 2003.
[2] See, e.g., "The Thirteen Practical Steps: Legal or Political?" Lawyers' Committee on Nuclear Policy, May 2005 at < http://lcnp.org/disarmament/npt/13stepspaper.htm>.
[3] See, e.g., Deepti Choubey, "Are New Nuclear Bargains Attainable?" Carnegie Endowment Report, October 2008, P. 14.

by its predecessor. The promise of the ratification of the Comprehensive Test Ban Treaty (CTBT) is probably the most significant measure, followed by a willingness to negotiate a follow-on to the Strategic Arms Reduction Talks (START) Treaty and to support a verifiable fissile material cutoff treaty (FMCT). This means that the new administration will be committed to most of the steps. (For an analysis of the status and issues surrounding the steps, see Table 1; Appendix A offers an expanded discussion of material in the table.)

There remain a few steps that are obsolescent or otherwise problematic, including steps with very different time horizons, those that embody imprecise or less important obligations, those beyond US national control, etc. The administration will have to decide how to address the most pressing of them. The step concerning START and the Antiballistic Missile (ABM) Treaty is perhaps most important. It clearly has been overtaken by events, especially US withdrawal from the ABM Treaty. However, the Obama administration has placed a high priority on a follow-on to START and on further reductions in nuclear weapons, and the administration could argue that the ABM Treaty's objective of strategic stability remains a priority for the United States and US ballistic missile defense (BMD) deployments are fully consistent with that objective. The Trilateral Initiative revealed fundamental disagreements between the US and Russia that are not likely to disappear in the foreseeable future, but it was declared to be a "fulfilled." Its successes can be highlighted, as can continuing work on verification of excess fissile material. A US decision on a general and complete disarmament (GCD) declaration will have to be weighed against US reliance on conventional forces, as a declaration may be

used to attack US conventional superiority, which will be increasingly relied upon for deterrence and defense.

In addition, there is also the issue of the status of the steps (legally or politically binding) and whether such a checklist is the best way to address Article VI compliance, especially because the steps do not directly implicate key areas the US sees in the context of Article VI, i.e., cooperative threat reduction and other nuclear security initiatives.

The administration has not signaled a position on the legal status of the steps, but the history of the 2000 language to date suggests it may be unwise to take the view they are legally binding and a strongly worded political commitment would likely be reasonably well received. It will not be possible to support the 13 steps as written, but even some advocates of the belief the steps are legally binding appear to have recognized that some are no longer operative.[4] Nonetheless, to appear to reject the steps would be very damaging. Moreover, raising questions about the "checklist" approach represented by the 13 steps is not likely to be acceptable--even though there are potentially many other, alternative approaches and possible actions to Article VI compliance--and the Clinton questions for the record (QFR) response on this subject suggested the administration had no intention of doing so. Secretary Clinton stated:

> While the conditions surrounding agreement on the so-called "thirteen steps" at the 2000 NPT Review Conference have changed, support for a similar package of

[4] The conclusion of one piece argued inter alia, that "***unless no longer feasible, as in the case of the ABM Treaty or (at least as a matter of labeling) the START process,*** the measures should be reaffirmed by the 2005 Review Conference, and strengthened. They must certainly not be repudiated or undermined in any way." (Ibid., highlights and italics added.)

measures at the 2010 conference could help build the wide support needed to bolster the NPT regime.

US positions on the steps and on these specific questions will define to a significant extent near-term NPT engagement for the Obama administration, especially since there is likely to be only declaratory change rather than a record of the administration's achievements before the RevCon due to the limited time available. One possible achievement before the RevCon would be agreement on a START extension or follow-on, but meeting this deadline will be difficult. Another possibility is a formalization by the five permanent members of the UN Security Council (P-5) of the testing moratorium, which is both desirable and can possibly be done in the short time before the RevCon.

Taking into account the positions and issues noted above, and the fact that some states are willing to renegotiate the steps (on the condition that there be no backsliding) while others argue that this cannot be done, there appear to be two possible general approaches:

First, accept the existing steps and do not raise questions about their continued relevance, but argue that the steps reflect shared objectives and that they can change over time to take the environment and external realities into account. In this context, argue how the United States is meeting the letter of most steps and fulfilling the spirit of the rest (e.g., by arguing that the US is committed to strategic stability and that US BMD efforts are fully consistent with that objective).

Second, and perhaps more consistent with the Secretary's QFR response, propose renegotiating the steps. This approach offers potential relief from a few obsolescent or badly formulated steps, and the possibility to highlight cooperative threat reduction efforts and nuclear security successes. However, new negotiations would likely pose problems for the administration by forcing it to hammer out specific compromise language and possibly dimming positive perceptions of it in the process; by re-opening old or raising new issues that may pose problems for the US and its allies (e.g., overseas deployments); and by possibly having to move much further than is desirable to avoid any appearance of backsliding. Moreover, some states oppose any "renegotiation" of the steps on principle.

Table 1. 13 Steps: Status, Issues and Recommendations			
Step	**Status**	**Issues**	**Recommendations**
Step 1. Entry-into-force of the CTBT.	Unfulfilled. US pledge to ratify.	US ratification process will likely take some time. All other required ratifications unlikely.	Reaffirm at the presidential level the intention to seek ratification at the earliest possible time.
Step 2. Moratorium on Nuclear Test Explosions.	Fulfilled to date.	No formal commitment by NWS and others	P-5 formalization of moratorium desirable, and can possibly be done in the short term.
Step 3. Negotiations to be concluded in the Conference on Disarmament within 5 years on a FMCT.	Unfulfilled. US support.	Stalemate in CD due to differences on FMCT and ties to other issues. US position on verifiability has changed but this is not the most critical issue.	Put forward new treaty with verification provisions if possible, and propose a meeting of international experts on verification. Continue and formalize P-5 moratorium. Diplomacy to get N3 to declare moratoria. Propose transparency.
Step 4. Establishment of a subsidiary body in the CD on nuclear disarmament.	Unfulfilled.	Stalemate.	Promote multi-venue political and technical dialogue.
Step 5. The principle of irreversibility to apply to nuclear disarmament.	Unfulfilled. But US-RF progress on delivery systems and materials and US commitments of excess material to IAEA.	Beyond current actions, irreversibilty poses technical challenges.	Continue US actions in cooperation with Russia, the IAEA and others.
Step 6. Unequivocal undertaking by the NWS to accomplish the total elimination of their arsenals.	Unfulfilled. No reiteration since 2000.	US position consistent with 2000 pledge, but other NWS may have problems.	US should reiterate commitment at the presidential level, and lead effort by P-5 to do so as well.

Step 7. Full implementation of START II, conclusion of START III, preserving and strengthening the ABM Treaty.	Unfulfilled and obsolescent. But US supportive positions.	START I expiring, START II and III no longer on table, and ABM treaty no longer extant.	Move on START and Moscow treaty follow-ons and begin high-level dialogue on strategic stability with attention to of the way limited US BMD supports strategic stability. Work with Russia to save the INF treaty (see Step 9 below).
Step 8. Implementation of the Trilateral Initiative between the US, Russia and the IAEA.	Formally fulfilled but no longer pursued as an initiative.	Fundamental disagreements between US and RF on substance.	Continue to explore technologies. Possibly discuss with Russia a reopening of the initiative.
Step 9. Steps by NWS based on the principle of undiminished security for all to promote international stability.	Mixed fulfillment.		Accelerate transparency initiatives (short- and long-term). Continue to explore appropriate relaxation of alert levels and to publically explain what has already been done. Cooperation with Russia on early warning Ensure the NPR explicitly addresses NPT and related nonproliferation issues as a high priority. Reiterate support for globalization of the INF treaty. Begin preliminary discussions with NPT NWSs and India, Pakistan and Israel on disarmament.
Step 10. NWS to place excess fissile materials under IAEA.	Partially fulfilled. US actions undertaken.	US, UK and RF actions are being undertaken, but other NWS are not.	Continue US efforts in context of assured supply efforts.

Step 11. Reaffirmation of general and complete disarmament under effective international control.	Unfulfilled.	A declaration may be used to attack US conventional superiority, which will be increasingly relied upon for deterrence and defense.	Possibly reaffirm Article VI obligations more generally.
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.	Partially fulfilled.	US efforts to report compliance with Art. VI, but little P-5 action. Interest of some in standardized reporting could affect US ability to make its case.	Continue, redouble US efforts. Ensure open source information is readily available or provided to NPT parties, perhaps via a dedicated Article VI website.
Step 13. Development of verification capabilities to assure compliance with disarmament agreements.	Partially fulfilled.	US R&D efforts along with some by UK and RF, but the challenges are formidable.	Continue and strengthen US R&D efforts; support a broader international R&D effort.

Appendix A. 13 Steps: Status, Issues and Recommendations

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 Nuclear-Test-Ban Treaty.***

The Obama administration has indicated its commitment to seek ratification of the CTBT and to launching a diplomatic effort to bring on board other states whose ratifications are required for the treaty to enter into force. As Secretary Clinton stated: "A lesson learned from 1999 is that we need to ensure that the administration work intensively with Senators so they are fully briefed on key technical issues on which their CTBT votes will depend, especially the issues of how well the treaty can be verified and how well the reliability of the U.S. nuclear stockpile can be maintained without nuclear testing. Substantial progress has been made in the last decade in our ability to verify a CTBT and ensure stockpile reliability. It will be crucial to make sure that the Senate receives the best scientific evidence available on these two issues as well as on other questions relevant to the merits of the CTBT."

Moreover, she stated: "The Obama Administration will fully support the CTBT's International Monitoring System, which gives the United States better capability to detect and identify very low-yield nuclear tests than we would have on our own. It will also support the work of the Comprehensive Test Ban Treaty Organization's Preparatory Commission and will want to ensure that it is adequately funded. On specific questions regarding the timing and level of U.S. funding, the new Administration will review the

situation and consult with Congress on how to proceed."

The Secretary's words will be reassuring. However, they recognized the need for preparations in order to ensure the Senate's positive vote. This will take time. Because rapid action is not likely, the Administration should reaffirm at the presidential level its intentions to seek Senate approval for the CTBT at the earliest possible time.

Entry into force (EIF) is problematic in any case, given the limited prospect that all nine of the remaining holdouts that are required for entry into force--including North Korea, Iran, Syria, Pakistan, India and Israel--will ratify. US diplomatic efforts to promote EIF, as promised by Secretary Clinton, will be important but will not assure success.

2. ***A moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending entry into force of that Treaty.***

There have been no nuclear test explosions since the Indian and Pakistani tests in 1998. The Bush Administration continued the US moratorium that dates to 1992, and stated that the 2001 Nuclear Posture Review (NPR) does not change the US view on the moratorium and that the stockpile stewardship program will continue to pursue stockpile safety and reliability without nuclear testing. A continuation of the moratorium will be critical and a P-5 formal declaration of the testing moratorium is desirable, and can possibly be done in the short time before the RevCon.

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 non-proliferation 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.***

The Obama administration is committed to seeking a verifiable treaty. In her confirmation hearing QFRs, Secretary Clinton stated:

> The President-Elect made it clear during the campaign that he supports the negotiation of a treaty banning the production of fissile material for use in nuclear weapons. Such a treaty could help avoid destabilizing arms races in regions such as South Asia and, by limiting the amount of fissile material worldwide, could facilitate the task of securing such weapons-usable materials against theft or seizure by terrorist groups. It would also demonstrate the willingness of the NPT nuclear weapon states to fulfill their obligation under NPT Article VI to pursue nuclear disarmament. However, for over a decade, the Conference on Disarmament has been unable to achieve a consensus to allow negotiations to proceed -in part because of the difficulty of reaching agreement on a work

> program but, more fundamentally, because some key states wish to continue producing fissile materials for nuclear weapons or at least keep open the option for such production in the future. The Obama Administration will work to build the necessary support to get negotiations underway. One step it will take is to return to the policy of previous Republican and Democratic administrations and end the current policy of declaring that a fissile material cutoff treaty should not contain international verification provisions.

It will be difficult to develop a verification protocol that is effective (however defined) and protects classified and sensitive information. However, it can be done. It would be useful for the United States to review the verification issues and put forward a new treaty with verification provisions if possible. Once this was done, the United States could propose a meeting of international experts on FMCT verification. It will be important to be certain of where we wish to go before such a meeting is proposed.

While such US actions will be welcomed, they will not likely lead to an FMCT. As the Secretary noted, there are other issues including the insistence of some states that the negotiations address reduction of existing stocks as well as the end of new production and the efforts some states to tie the negotiations to other issues, including nuclear disarmament, negative security assurances and the prevention of an arms race in outer space.

Given this situation, the stalemate is likely to be with us for the indefinite future. Beyond the actions on verification suggested above, the P-5 should continue their moratoria on fissile material production for weapons (assuming China does not produce weapon

material), and the United States could propose a formalization of that moratorium by the P-5. Diplomatic efforts to get the non-NPT nuclear powers to stop producing fissile material for weapons would be desirable, but statements by them should be independent of any P-5 declaration. A US proposal for transparency could be useful and might further thinking about verification.

It is also possible that the United States could consider another negotiating venue and the possibility of a treaty limited to the P-5. This would raise questions about the value of the deal as well as alienate many NPT parties, who strongly believe the CD is the only forum for multinational arms negotiations and needs to be active.

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.***

There is a stalemate in the Conference on Disarmament (CD). The United States has been willing to establish such a body with some limits, and the Obama administration will undoubtedly be more forthcoming on this matter. Russia argues that the time is not ripe for negotiations. China argues for negotiations on outer space, nuclear disarmament and fissile materials that are tied together. The promotion of dialogue on the issues of, and conditions for achieving, nuclear disarmament would be useful and could take place at

the political and technical levels, in a variety of for a, both governmental and non-governmental.

5. ***The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures***.

Irreversibility is being pursued with excess fissile material from Russia and the United States. Material that is used in civil programs meets any standard of irreversibility. Destruction of delivery systems the Intermediate- and Shorter-Range Nuclear Forces (INF) Treaty and START would also meet the criteria. The need to address warheads in the future is important in this context, as was known for nearly 20 years and reinforced by the debate over the Moscow Treaty. Other actions, including storage of material or warheads, or agreement on conventional or other uses of delivery systems may not meet the criterion. Moreover, while the old criterion may have been acceptable at the high levels of weapons in the past, or even currently, it becomes far more questionable as numbers decline. In this context, irreversibility is difficult and poses serious technical challenges for material. It has largely been seen as increasing the time and cost of reconstitution for weapons, ideally so that it is no less than producing a new weapon.

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.***

The Obama administration has stated the goal of a world without nuclear weapons, and should reiterate that goal at the presidential level. The administration is likely to agree to

support a formal P-5 reiteration of the 2000 pledge. Other nuclear-weapon states (NWSs) may as well, but that is not certain. All NWSs continue to support their need for weapons in the foreseeable future and the Obama administration said the US will not disarm unilaterally. The Obama administration's position on the International Court of Justice decision is not known.

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***.

As Secretary Clinton stated in her confirmation QFR's: "The Obama Administration will seek deep, verifiable reductions in all U.S. and Russian nuclear weapons -whether deployed or non-deployed, strategic or non-strategic. As a first step, we will seek a legally binding agreement to replace the current START Treaty which…expires in December 2009." She went on to state that: "If an agreement cannot be reached, a mutually-acceptable means should be found to give the negotiators more time, without allowing key measures, including essential monitoring and verification provisions, to lapse." The Obama administration has thus placed a high priority on a follow on to START. While START II and III are no longer being considered, the Moscow Treaty's numbers are at about the levels projected for START III and the Secretary's answer makes clear a follow on is desired.

The ABM Treaty has come to an end, but its objective of strategic stability remains a priority for the US. US BMD deployments have been argued to be fully consistent with the objective of strategic stability, especially with respect to Russia. The Obama administration's detailed position on BMD has not been announced, but the Administration has stated it "will support missile defense, but ensure that it is developed in a way that is pragmatic and cost-effective; and, most importantly, does not divert resources from other national security priorities until we are positive the technology will protect the American public." If the support for BMD is to provide some level of defense against so-called rogue state use, limited BMD could also be argued to directly support strategic stability at the regional level.

A related issue that was not mentioned is the survival of the INF Treaty. Russian officials have expressed concerns about missile developments in neighboring nations and about US plans to deploy missile interceptors in Eastern Europe. Russia put forward a draft treaty on February 13, 2008 aimed at expanding the obligations set forth in the INF treaty to eliminate medium- and short-range missiles globally and set a goal to expand the US-Russian ban on intermediate-range missiles so that the agreement is global. If this does not occur, Russia has threatened to withdraw from the treaty. In response, and to avoid Russian withdrawal, the Obama administration has set a goal to expand the US.-Russian ban on intermediate-range missiles so that the agreement is global.

8. ***The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.***

Under this initiative, which began in 1996, the United States, Russia and the International Atomic Energy Agency (IAEA) sought to create a verification approach for weapon-origin and other excess fissile materials. The Trilateral Initiative Working Group was established to explore the technical, financial and legal issues of a verification system for classified as well as unclassified materials that would not reveal classified data. Some important technology was developed, but there were remained fundamental disagreements between the US and Russian positions over scope and other issues. There was no agreement on funding. A legal framework was developed, but has not led to any agreements. At the IAEA General Conference in 2002, the Working Group's mandate was declared to be "fulfilled," though many issues remained. The approaches developed are still being discussed. The United States should continue to explore these and related technologies. It might be possible to discuss with Russia a reopening of the initiative, but doing so may not be successful and could distract the US from pursuing higher priority matters with the Russians.

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:***

(***a) Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally.***

Although the follow-ons to START and the Moscow Treaty will likely be the priority vehicles for further, verified reductions, the United States may consider some further unilateral reductions.

(b) ***Increased transparency by the nuclear-weapon States with regard to the 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 US has had senior officials provide briefings on nuclear-weapon policy and related issues at NPT and other U.N. fora. This activity could be expanded. One effective demonstration of transparency would be to arrange visits to the National Nuclear Security Administration (NNSA) "weapon laboratories." This opportunity would educate key officials and opinion leaders, such as CD Ambassadors and key staff,[5] and demonstrate that the current focus for the laboratories includes a wide diversity of science activities. Such visits would provide an overview of the current state of weapon program activities, including Stockpile Stewardship as well as its benefits for non-weapon activities; an overview of capabilities, with attention to the reduced footprint as well as the importance of infrastructure modernization for arms reductions; a briefing and tours of safeguards, nonproliferation and arms control verification activities; and a briefing and tours of alternative energy, climate change and other programs. These visits can:

[5] Other possible visitors might include: NATO officials and staff; P-5 officials; Board of Governors (IAEA) members, NSG members, 1540 Committee members, CTBT BOG members, etc.

- Provide an important window on the weapon program's focus on stewardship of the legacy stockpile, the problems that have to be addressed, the directive that all work assume a no-test environment, etc.; and
- Show the variety of non-weapon work performed at the laboratories, including nonproliferation, arms control verification, alternative energy, etc., illustrating the growing importance of the non-weapon science portfolio for the laboratories.

The reality demonstrates the problems with widely held perceptions about the laboratories.

Beyond such measures, in the longer term, the United States supports greater transparency and sees a real prospect for using transparency measures to meet some nuclear arms control, nonproliferation and counter-terrorism goals. This should have particular appeal in areas where these goals intersect. The role of transparency would be to help ensure that the P-5 and other states have as clear an understanding as possible that materials or other items of concern (that may be at risk to proliferants and terrorists) are accounted for and secure, that the security is adequate for the risk, etc. There should be such a role in the following areas:

- Monitoring strategic forces, postures and deployment (including stockpile stewardship and missile defenses) and strategic nuclear reductions;
- US-Russian weapon dismantlement and excess defense nuclear-material management;
- Non-strategic nuclear forces security;

- Fissile Material Cut-Off Treaty transparency efforts; and
- Regional and global material and facility security.

Transparency measures could also be used to address other weapons of mass destruction, including developing alternative approaches to the rejected Biological Weapons Convention (BWC) protocol. The protocol was viewed as unacceptable and remains problematic, but there continues to be a political and security rationale for giving the BWC some capability, no matter how limited, to increase confidence that states are complying with the broad provisions of the BWC. If that is to be done, it will have to involve novel transparency approaches because true verification is not technically practicable.

But any opportunities to increase transparency must be assessed in terms of specific benefits offered balanced against risks. Transparency might also involve some of the tools thought of in the context of formal arms control verification in the past.

For many observers, this provision requires a nuclear-weapon register and a weapon-usable fissile material register. This is more difficult and may not be acceptable.

(c) ***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.***

In the early 1990s, the United States and its NATO allies unilaterally decided to retire all nuclear artillery shells, all nuclear warheads for short-range ballistic missiles and all

naval nuclear anti-submarine warfare weapons. These unilateral actions reduced nonstrategic nuclear forces in NATO by nearly 90 per cent, reduced the types of US nuclear weapons based in Europe from five to one and reduced nuclear weapon storage sites in Europe by 80 percent.

In the context of strategic reductions or independently, there are calls for codification of the Presidential Nuclear Initiatives (PNIs) or the further reduction or elimination of non-strategic nuclear forces. This path involves difficult negotiating issues, including scope and verification, especially if warheads are a unit of account. Any movement on nonstrategic forces could have profound effects by placing the remaining US nuclear arms in Europe on the table. It is argued by many that these forces should be removed from Europe in exchange for Russian reductions in the number of their non-strategic nuclear weapons. In reply, others argue, inter alia, that the Russians attribute utility to their non-strategic nuclear weapons for reasons other than the US nuclear presence in Europe and would not consider such a deal. Most of those who advocate change believe that it should not be undertaken precipitously and that it should be preceded by extensive consultations and full coordination within the Alliance.

While negotiations on nonstrategic nuclear forces are difficult, Secretary Clinton made clear that the US commitment to further reductions included non-strategic systems.

(d) ***Concrete agreed measures to further reduce the operational status of nuclear weapons systems.***

The alert status of US and NATO weapons has been significantly relaxed. NATO has taken steps to decrease the number and readiness levels of its dual-capable aircraft. The Alliance no longer maintains standing peacetime nuclear contingency plans and no longer targets any state. The United States has done much to reduce alert levels, including taking all strategic bombers and some of the missile force off day-to-day alert. Secretary Clinton's QFRs suggested that further action was possible, "if it can be done in a mutual and credible manner." It will be necessary to continue to explore appropriate relaxation of alert levels and to publically explain what has already been done. Cooperation with Russia on early warning can also be useful in this regard.

The UK and France have also taken actions along the lines of the United States.

(e) ***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 2001 NPR's commitment to reduced numbers and roles for nuclear weapons reflects the United States' reduced reliance on nuclear forces since the end of the Cold War and other factors. The 2001 NPR removed nuclear weapons from the center of deterrence and defense strategy. Moreover, the NPR did not call for new nuclear weapons. The NPR envisions not only lower numbers of nuclear weapons, but also the replacement of nuclear weapons with conventional capabilities in some missions. The NPR assumes that conventional forces will be able to accomplish some current nuclear missions, although it acknowledges that other missions will continue to require nuclear forces for the

foreseeable future. Finally, defenses are seen to play a growing role in deterrence and dissuasion.

Of the Obama administration and its upcoming NPR, Secretary Clinton stated:

> The Obama Administration plans to set a new direction in nuclear weapons policy, one that reflects the changed security conditions of the 21st century and that shows the world that the U.S. takes seriously its existing commitment under the Nonproliferation Treaty to pursue nuclear disarmament. Such a new direction should be fully explored and elaborated in the upcoming Nuclear Posture Review (NPR) that is mandated by statute.

This suggests that the NPR should explicitly address NPT and related nonproliferation issues, which is critical to improving the public diplomacy surrounding nuclear weapons and nonproliferation. The NPR will be seen as a signal of what the United States plans to do on weapons, arms control and disarmament and nonproliferation, and the tone of the language as well as the substance of the document will be critical to NPT diplomacy. Given the likely prominence of the NPR at the RevCon, ensuring this is the case should be a high priority. The P-5 and other states could be engaged as appropriate. Creating and publicizing an unclassified version of the NPR, in order to avoid the worst public diplomacy problems encountered with the 2001 NPR, would be desirable.

(f) ***The engagement as soon as appropriate of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons***.

The Obama Administration has stated its support for globalization of the INF treaty, which could be seen as a step in this direction as well as an effort to support Russia and prevent it from withdrawing form the INF treaty. On the broader issue, the US has long supported expanding the arms reduction process to other NWSs. However, China has stated it will negotiate elimination when the United States and Russia get down to lower levels. France and the UK have taken a similar position. Beyond the INF initiative, it may be counterproductive to push the others until the next round of US-RF reductions have been agreed, although preliminary discussions of issues may be pursued. Preliminary discussions with India, Pakistan and Israel on disarmament could be started, but it will be important to ensure that this opening is not seen to legitimize their programs.

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.***

In addition to efforts to use excess fissile materials for civil nuclear purposes, the United States has offered the IAEA excess material for establishing assurances of supply. UK and Russian actions are also being undertaken, but other NWS have not done anything in this area.

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

This is a commitment of all state's parties to the NPT. However, a US decision to highlight this obligation via a GCD declaration may not be desirable. Doing so will have to be weighed against US reliance on conventional forces, as a declaration may be used to attack US conventional superiority, which will be increasingly relied upon for deterrence and defense. It may be possible to reaffirm Article VI obligations generally, without highlighting GCD.

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 © 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.***

The United States is the most transparent NWS in terms of publicly available, governmental and other information on its nuclear weapon arsenal and programs. It has always provided an accounting of its activities in support of Article VI compliance during RevCons and PrepComs.

Reporting under the steps raises questions, however. The nature of the steps (e.g., not directly covering cooperative threat reduction and nuclear security and including steps over which the US has no control) and the interest of some in standardized reporting

means that any report will not be focused on US progress and plans for the future on the initiatives we believe are germane to Article VI, but on the "checklist" per se. By elevating this reporting obligation, it could adversely affect the US ability to make its Article VI case. Moreover, this could result in a pro forma, and very limited exercise, as Chinese and Russian reports under the 13 steps has been.

In any case, the United States should continue to make its case and to find ways to redouble its efforts in this area. More can certainly be done to ensure that open source information is readily available or even provided to NPT parties, perhaps via a dedicated Article VI website.

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.***

Verification of a nuclear-free world would demand unprecedented new capabilities.

Verification would have to address warheads, as well as undeclared and clandestine capabilities, both of which are complex, difficult challenges and may be impracticable without fundamental changes in the world. The considerable research and development done in the United States and elsewhere on warhead verification and dismantlement transparency since the early 1990s reveals the enormity of the problems and the challenges of developing effective capabilities to verify very small arsenals, let alone

"zero," however defined. If a system is developed, the issue of whether the results will appear credible to nonnuclear states and NGOs is not trivial, as the approaches considered to date reflect the need to protect classified and sensitive information. This will limit nonnuclear-weapon state involvement in the process to some degree.

Although we do not today know how to verify low numbers or zero, there is time to seek to develop the needed verification tools. At a time when the trend line has been toward lesser attention to verification—due to current force levels, the new US-Russian relationship despite recent setbacks and other factors—there is a real opportunity to explore verification options without incurring unacceptable risks to national or international security. Given any realistic time frame for disarmament, there is considerable scope to invest resources at the national and international levels to undertake research, development and demonstrations in an effort to address the anticipated and perhaps unanticipated verification challenges of disarmament now and for the next decades. Cooperative approaches have the greatest possibility for success.

There will be other verification challenges as well. Verification capabilities for a CTBT are improving but remain limited for low yield tests. IAEA safeguards are improving but also remain limited in the area of detecting undeclared facilities and activities. There will be new attention to the challenges of monitoring an FMCT, and undoubtedly progress is possible.