

Paper delivered at the Lawrence Livermore National Laboratory, January 2006

Weapons of Mass Destruction, Terrorism and Security: Hanging Together or Hanging Separately?

Introduction

The one thing that President Bush and Senator Kerry could readily agree on during the 2004 presidential debates was that the nexus of terrorism and weapons of mass destruction was the most important problem the United States, and the world, faced. Since then, political divisions in the US have widened and fissures between the US and much of the rest of the international community have deepened, in some cases into chasms. From Afghanistan to Iraq to Palestine and Lebanon, the world has become more fractious and international consensus on security has become correspondingly scarcer. Not surprisingly, progress on the arms control and disarmament (ACD) agenda has foundered, its prospects worsened by the current American disregard for multilateral cooperation it cannot control, and its preference for a US-led strategy focusing on enforcement and compliance, suspect in the eyes of many, and by the nuclear weapons states' indifference to their disarmament obligations under the Non Proliferation Treaty (NPT), the corner stone of the arms control and disarmament regime, except as an instrument for constraining others. The evident nuclear weapons ambitions of North Korea, the apparent deceptions of Iran and the still-to-be-ratified US-Indian agreement on

nuclear cooperation raise major questions about the continuing viability of the ACD treaty regime. Meanwhile, rising oil prices and deepening climate change are causing more countries to become more interested in availing themselves of nuclear energy than ever before, raising all the old unanswered safety, security and environmental questions and some new ones as well. The entire regime is, thus, in jeopardy precisely when events suggest it needs innovation and reinforcement. It can be made to work but that will require greater recognition of common interest and shared fate in major world capitals, especially Washington, than has been evident so far.

Several Steps Forward...

To understand where the world is tending on nuclear cooperation, a recapitulation of major developments helps. The story is far from totally discouraging. In the past decade, there have been numerous heartening advances. In 1995, the signatories to the 1968 Non-Proliferation Treaty, the most ratified treaty in history, made the accord permanent, transforming its 25 year term into an open-ended commitment. To be sure, countries retained the right to secede but the bargains agreed to in the original NPT were preserved intact and an effective instrument to prevent the acquisition and use of nuclear weapons was reinforced. As part of those bargains, the non-nuclear weapons states (NNWS) had forsworn the development or acquisition of nuclear weapons (Articles II and III) in exchange for the “inalienable right” to nuclear energy for peaceful purposes (Article IV) and the undertaking of the nuclear weapons states (NWS) to “pursue negotiations in good faith” to cease the arms race and to negotiate general and complete disarmament (Article VI). IAEA inspectors verified compliance by states parties. It was an unequal bargain that most states were prepared to accept because they believed that its inequity notwithstanding the treaty made them safer. The larger the number of countries with nuclear

weapons, the calculation went, the greater the chance that the weapons would one day be used. Against their better judgment, they also hoped that the nuclear weapons states would keep their ends of the bargain, if not immediately, then in some foreseeable future. In fact, as the Cold war receded, Russia and the United States first limited then began to reduce their weapons systems significantly, although nuclear warhead destruction did not keep pace and there has been no international verification of these reductions. The UK and France have, also, reduced their comparatively smaller arsenals but China has augmented its weapons, albeit from a small base.

By 1995, 173 countries had ratified the Non-Proliferation Treaty. Brazil came on board subsequently, as did Cuba, and ratifications now total 188. Belarus, Kazakhstan and Ukraine relinquished their nuclear weapons, as did South Africa. Ultimately, all but the three current outliers--India, Pakistan and Israel--gave up their nuclear weapons and programs. Meanwhile, following the discovery of the deception perpetrated by the Iraqi regime in the 1980's, the International Atomic Energy Agency (IAEA), had begun to make progress on an "Additional Protocol" that allows IAEA inspectors to carry out substantially more intrusive inspections in participating countries; now 70 countries have signed on. Both safeguards agreements and additional protocols are focused on nuclear material, which means that the Agency's legal authority to investigate possible parallel weaponization activity is limited, unless there is some nexus linking the activity to nuclear material. In today's security environment, inspections that only verify what a country has declared are not likely to be judged "effective", in terms of the assurance they provide the international community.

In 2000, at the NPT Review Conference, the nuclear armed states gave an unequivocal undertaking "to accomplish the total elimination of their nuclear arsenals leading to nuclear

disarmament to which all States parties are committed under Article VI”, although none said when and few were certain how. Still, the NPT bargain remained intact. The nuclear weapons states also endorsed “Thirteen Steps”¹, measures by which they would give some effect to this commitment, including the early entry into force of the Comprehensive Test Ban Treaty (CTBT), conclusion within five years of a verifiable fissile material cut-off treaty (FMCT), initially proposed by President Clinton, a reduction in the number of tactical nuclear weapons, a reduction in the operational status of nuclear weapons systems, the application of the principle of irreversibility to all nuclear arms reductions and a diminished role for nuclear weapons in security policy.

The extraordinary statesmanship of the US-initiated Nunn-Lugar Cooperative Threat Reduction Program launched in 1992, was facilitating the dismantlement and securing of nuclear, biological and chemical weapons and materials in Russia and elsewhere in the former Soviet Union. Several thousand warheads, material for several thousand warheads more and thousands of missiles and missile launchers have been deactivated or destroyed since the inception of the program. Otherwise idle scientists have been gainfully employed in non-lethal activity. In time, this initiative was joined by others. At the 2002 Kanaskis summit in Canada, the G-8 launched a \$20 billion “Global Partnership against the Spread of Weapons and Materials of Mass Destruction”. (Canada’s share is \$1 billion.). In 2003, the Libyan Government disclosed its clandestine nuclear weapons program and voluntarily dismantled it. The A Q. Kahn private network of nuclear technology suppliers was wrapped up. The UN Security Council passed resolution 1540 by which all member states were directed to strengthen export controls of nuclear materials and to criminalize the unauthorized possession and transfers of these materials. The UN General Assembly endorsed the nuclear terrorism convention, which...

...Several Steps Back

The last decade chalked up significant successes but it, also, registered dangerous setbacks. Most spectacularly, in 1998 India and Pakistan joined the nuclear weapons club, detonating five nuclear weapons each and building substantially more. The world held its collective breath as long-standing enemies, who had no geographic separation, no hotline and unproven command and control systems, faced off across the “Line of Control”, the de facto border and the site of major conventional fighting over Kashmir. Neither the NPT nor the IAEA had stopped two major countries from crossing the nuclear weapons threshold. North Korea put itself in and out and in and out of compliance with its NPT and IAEA obligations in an increasingly tragic and dangerous cycle, withdrawing from the NPT in 2003. Meanwhile, Iran came under heavy suspicion by the IAEA of clandestine weapons activities and has been refusing to even suspend its uranium enrichment program. The US decided to initiate a nuclear partnership with India, in contradiction if not contravention of its own obligations under the NPT and the rules that had been long since agreed to with other nuclear suppliers. Starting in 1998, the Conference on Disarmament, shackled by its own consensus decision rules, failed to reach agreement on a work program, a situation that continues to prevail.

The attacks of 9/11 gave birth to the sum of all fears, that terrorists could acquire and use nuclear weapons. Countering the proliferation of nuclear weapons, in particular physically preventing their acquisition by terrorist groups and locking down existing stockpiles, became a new top priority. “Meeting this duty,” President Bush said in February 2004, “has required changes in thinking and strategy. Doctrines designed to contain empires, deter aggressive states, and defeat massed armies cannot fully protect us from this new threat.... We're determined to

confront those threats at the source. We will stop these weapons from being acquired or built. We'll block them from being transferred. We'll prevent them from ever being used.”

Dramatically different approaches were, thus, in train in Washington, more focused on military prevention than on promotion of treaties and norms. Washington seemed to have concluded that multilateral mechanisms to avoid the spread of weapons were ineffectual and, equally bad, constrained American freedom of action, that strategic considerations (relations with India, partly as a counterweight to China) outweighed proliferation risks and, finally, and most controversial, that the danger lay not in the nature of nuclear weapons but in the malevolent character of the regimes that possessed them, the National Rifle Association dictum carried to its ultimate conclusion.

In 2002, Washington published both its new National Security Strategy (updated in 2006) and National Strategy to Combat Weapons of Mass Destruction, which postulated perpetual US superiority and a readiness to pre-empt others and which contemplated readier use of nuclear weapons. Prior US administrations had regarded verification regimes as providing if not certainty at least an important level of confidence in the behaviour of treaty partners. Washington now abandoned the famous “Trust but Verify” approach of President Reagan. In comparatively short order, it broke off negotiations of a verification mechanism for the Biological Weapons Convention (BWTC), abrogated the Anti-Ballistic Missile Treaty and stood aside from the Comprehensive Test-Ban Treaty, although it maintained the testing moratorium and concluded the Treaty of Moscow on sharply reducing strategic nuclear weapons systems (not warheads), without verification. To complement existing export controls, the US launched the Proliferation

Security Initiative, the use of military assets to intercept the transportation of weapons systems, deliberately positioning it under its own leadership and apart from the multilateral framework of previous arms control mechanisms.

In the UN context, not just the US but none of the nuclear weapons states took the Thirteen Steps they had promised at the 2000 NPT Review Conference. In August 2003, China, which had been blocking consensus to negotiate an agreement on the prevention of an arms race in outer space (PAROS) did agree (with Russia) to at least discuss it, a step that raised hopes that progress might be possible, also, on a Fissile Material Cut-off Treaty (FMCT), nuclear disarmament and negative security assurances (i.e., assurances that nuclear armed states would not attack non-nuclear armed states). Washington did not reciprocate on space, apparently because it preferred not to risk constraining its options on space weapons. It presented an FMCT proposal in the Conference on Disarmament in Geneva that ignored elements of importance to other states (e.g. adequate verification), persuading some that it was little more than a ploy to sugar-coat its controversial initiative with India. The welcoming of India to the nuclear high table, thereby undercutting Brazil, Argentina and South Africa who had actually adhered to NPT disciplines, will not have made the prevention of proliferation easier.

The 2005 World Summit, held in New York last September, achieved very few worthwhile outcomes (one notable exception being agreement on the Canadian commissioned report on the Responsibility to Protect). But, in Secretary General Annan's words, the most "disgraceful" of the Summit's failings was its inability to agree on any language at all on non-proliferation and disarmament. Why did member States not live up to the world's expectations at

a time when the multilateral non-proliferation regimes were being tested by a small number of governments, and the ambition of terrorists to acquire WMD was clear? Principally, it was because, in keeping with the failure in 2005 of the NPT Review Conference to agree on any substantive outcome and the paralysis that persisted in the Conference on Disarmament in Geneva, member States simply did not have the political will to make the concessions necessary to achieve progress. At the UN summit negotiations in the fall, too many delegations had brought too much ideological baggage with them. The nuclear-armed states including the US, deliberately or inadvertently played into the hands of spoilers such as Iran and Egypt in the latter's desire to deliver a non-outcome on arms control. At the subsequent UN General Assembly's First Committee discussion of nuclear issues, the US was alone in voting negatively on eight of the 20 resolutions that went to a vote.

The Crux of the Disagreement

The ACD regime, not surprisingly, is in jeopardy. There are wide disagreements between the nuclear weapons states, principally but not exclusively the United States, on the one hand and much of the rest of the NPT membership, that is to say, most of the rest of the world on the other. These disagreements go to the heart of the NPT bargains, primordially that of disarmament. Some argue that disarmament by the nuclear-armed states has always been little more than a delusion on the part of the states without nuclear weapons, a necessary pretext that there would one day be a quid for the quo the latter were giving in renouncing their own nuclear weapons aspirations, a quid on which the nuclear armed states never really intended to make good. In this light, everyone would be better off just to drop the pretence. Moreover, the NPT's non-proliferation undertakings were in any case not just a bargain between those with nuclear weapons and those without but also a binding commitment among the latter, many of whom had

ample reason to fear or distrust one another. They had, undertaken to each other as well as to the nuclear armed states not to acquire nuclear weapons. The argument holds, as well, that too much effort has been invested in obtaining signatures on treaties and not enough in ensuring compliance with them. Arms control agreements and export controls have been ineffectual with respect to India, Pakistan, Israel, North Korea and, prospectively, Iran. They, also neither deterred nor much delayed A.Q. Khan in taking his nuclear activities private. Counting on their effectiveness is delusional and downright dangerous.

The counter arguments derive from the famous observation by President Kennedy, the only President to face a full fledged nuclear crisis, that “We must abolish the weapons of war before they abolish us.” These arguments hold that ridding the world of nuclear weapons was always seen as a goal for the very long term but that that goal ought never to be abandoned, against the possible day that political attitudes and security perceptions might change. Near term action should be framed in such a way as not to preclude reaching the goal in the longer term. Further, non-proliferation could only be achieved cooperatively and treating the non-nuclear armed states as inherently and eternally inferior entities was unlikely to serve the goals of compliance and enforcement. As for the effectiveness of the ACD regime, particularly the NPT, there are fewer than half as many governments in 2005 with nuclear weapons programs as there had been in the Sixties and more countries have given up nuclear weapons than had illicitly acquired them. Not insignificantly, each arms control agreement codifies an additional global norm and augments the international legal framework for preventing and constraining weapons programs. Securing sensitive assets would be much easier in the descent to a zero-arsenal world than in one where multiple states maintained operational

nuclear forces and large related infrastructures with little or no transparency and international monitoring.

These doctrinal differences have far-reaching implications. Countries make their decisions to acquire nuclear weapons for a mix of motives, including security, prestige and religion. Simple fairness probably enters into the calculation, as well. Weapons of mass destruction have considerable political value and nuclear weapons, in particular, are great equalizers. Countries with nuclear weapons command respect, even if only of the kind accorded to a well armed criminal.

Were Iran to develop nuclear weapons, a “political chain reaction” could well follow, involving Saudi Arabia, Egypt and Turkey, at least. It could very well be the beginning of the end of the NPT, and potentially of the world as we know it. The dangers inherent in North Korea’s nuclear program could produce a similar chain reaction, involving Japan and South Korea. The India-US deal may be equally momentous if, as seems likely, it seeks to enshrine a double standard. As the NPT and Nuclear Supplier Group regulations preclude nuclear trade with non-signatories, a special dispensation for India would have to be given. Some argue that that would only be a welcome acknowledgment of reality. Others worry that in these fundamentally changed circumstances, it would be unrealistic to expect other near nuclear weapons states to forbear forever from developing their own arsenals. Once the NPT started to unravel, its collapse could be sudden and catastrophic. Then it really would become “a jungle out there”, a jungle full of well-armed inhabitants

What Now?

By 2030, the number of automobiles in the world will increase by 50%. In 20 years the world will consume 40% more oil than it does today. By 2100, global temperatures will be 5.8°C warmer than they were in 1990. This will make the earth warmer than it has been in 50 million years. Preventing further climate change and adapting to it is no longer a question for the future, but an imperative now to avoid new economic and human disasters, which would disproportionately affect developing countries and vulnerable populations in those nations. Technology, especially nuclear technology will be part of the response. India has a flourishing and largely indigenous nuclear power program and by some estimates expects to have 20,000 MWe nuclear capacity on line by 2020. China has apparently announced plans to build 30 new reactors by 2020. A study in 2003 by a blue-ribbon American commission headed by former CIA director John Deutch, concludes that by 2050 China could require the equivalent of 200 full-scale nuclear plants. A team of Chinese scientists advising the Beijing leadership is said to have put the figure even higher: 300 gigawatts of nuclear output, not much less than the 350 gigawatts produced worldwide today. Nor will China and India be the only countries going increasingly nuclear. Some existing nuclear countries are rethinking their opposition to nuclear energy and others with no nuclear history will likely see this climate-friendly energy as part of their futures. The world is going to need to manage this new dissemination of nuclear technology and the vastly greater availability of nuclear materials just at a time when the arms control and disarmament regime looks increasingly fragile.

Experience shows that arms control and disarmament, like trade liberalization, cannot sustain immobility for long. The “good news” is, in fact, that many ideas are emanating from the US, Europe and elsewhere for both problem-specific and more general governance responses. A good deal of work is being done, conceptually at least, on what it would take to build a more

effective security order. It is becoming evident that for all to be truly safe, our common approach can and must be comprehensive, in terms both of treaties and laws and of compliance and enforcement. Simply put, the non-proliferation goal should be universal compliance with a much tougher regime. Part of the task is technical, to develop the ideas that, if implemented, will enhance security. Part of it is political, to get the governance structures right. Success will take the sustained cooperation of nuclear weapons states and others with advanced nuclear assets and capabilities in order that nuclear weapons, technology and material be kept out of dangerous hands.

Ideas

Even if states with nuclear weapons can expect to enjoy a quasi-monopoly for a very long time, they need to make clear if only for the sake of attracting cooperation on preventing proliferation that that does not mean eternity. Russia and the US, especially, need to revisit their calculations of the minimum stockpile of nuclear weapons they need for deterrence, make a priority of eliminating tactical nuclear weapons which, because of their relative portability, are probably the greatest danger the world faces, and make their stockpile management more transparent. They and the other nuclear-armed states could take several other initiatives, for example, making the nuclear weapons reductions that they have agreed irreversible and verifiable, and discussing what financial, technical and institutional issues would be entailed in disposing of nuclear inventories. They need especially to make it clear that they will not develop new types of nuclear weapons. The refusal of the US Congress to fund research on the “bunker buster” sent a strong signal. Further, talk of tactical uses of nuclear weapons, as the US has engaged in should be stifled. It increases the motivation of others to develop or acquire their own deterrent. Ratifying the Test Ban Treaty and launching negotiations on a Fissile Material

Cutoff Treaty would help. One American proposal is to make the term of the CTBT five-years, renewable. Although there are other means for ensuring the fitness of weapons, this way no one is locked in perpetually, left with a potentially, at least, deteriorating deterrent at a time when that could be risky. The verification issue that apparently troubles the US would remain but no arms control agreement is completely verifiable, and that does not vitiate their utility. That is particularly so when the current main objective is stopping nuclear terrorism, not deterring nuclear attacks by states. Making the perfect the enemy of the good in these circumstances is not just shortsighted; it is self-defeating and dangerous.

Self-selecting cooperative initiatives, like the Global Threat Reduction initiative and the Global Partnership, targeted at cleaning up the residual problems of defunct weapons programs, fill important voids. Still, a great deal remains to be done before the world can assure itself that nuclear weapons and nuclear materials and other weapons precursors are being safeguarded to a Fort Knox standard. Foreshortened deadlines for these programs would help expedite matters. Equally, international law needs to be expanded to facilitate the international response to errant states and the prosecution of non-state actors. To be ready for those cases where export controls fail, the membership of the Security Proliferation Initiative could be expanded, its net of coverage made more dense and its legal base strengthened by the Security Council to facilitate interceptions of illegal traffic in domestic waters, on the high seas and in the air.

More fundamentally, the international community needs to develop greater consensus on the key challenges to non-proliferation and the most effective responses needed.

Some, e.g., Israel feel genuinely threatened and see nuclear weapons as deterring others from attacking them. Others, including Iran probably feel insecure as well but possibly see nuclear weapons also in religious terms. Some, perhaps India, while very conscious of their nuclear-armed neighbours, are, also, quite aware of the benefits in terms of political power enjoyed by states with nuclear weapons, not least, permanent membership of the UN Security Council. Pakistan feels for security and nationalism reasons that it cannot allow itself to fall very far behind India. For North Korea, security is obviously an issue, as are the commercial prospects of weapons sales, including possibly to terrorists. The common factor is fear. Major diplomatic efforts especially by the nuclear-armed and other major powers are needed, therefore, to redress over time regional security concerns. Doing so would be an important contribution to the non-proliferation regime. Similarly, the interests of nuclear disarmament and non-proliferation will be served when the political utility of nuclear weapons is ultimately reduced to coincide with the military utility of nuclear weapons, i.e. something close to zero. In any case, it is not the transgressions of the few that should drive thinking about proliferation but rather the need for the cooperation of the many to prevent things from getting worse.

Institutional Reforms

Looking ahead, political strategies for reviving multilateral work are likely to focus on two tasks: i) initiating and conducting a multilateral process that actually allows for the substance of the ACD agenda to be discussed and ii) persuading key nuclear weapons states that it is in their national security interests to permit the resumption of multilateral ACD work. Currently, a handful of states are taking advantage of consensus rules to prevent not just negotiated outcomes but even the discussion of issues of interest to the vast majority of states. Given the eight year long impasse over adoption of a Program of Work at the Conference on Disarmament , it is

hardly precipitous to look for a way to start work on the core ACD issues that have long been identified in that forum. There are four issues that, taken together, would constitute a comprehensive and balanced agenda: i) progress on nuclear disarmament, ii) negotiation of a FMCT, iii) negotiations on the prevention of an arms race in outer space and iv) Negative Security Assurances. So long as the Conference on Disarmament is prevented from taking up these issues, other multilateral avenues, some formal, some informal, for addressing them are bound to be explored.

A few powerful countries need to be persuaded that allowing the Conference on Disarmament and other multilateral forums at least to talk about some ACD issues of concern is not inimical to their security interests. It is not realistic of them to expect cooperation on non-proliferation and counter-proliferation issues and, at the same time, to brush aside the legitimate concerns for more action on disarmament and other issues of interest to them.

IAEA procedures are not problem free. Under the basic safeguards approach, its inspectors can only inspect declared nuclear sites. Further, states can legally acquire much of the technology and even assemble the elements of a future nuclear weapons program so long as they are declared to be for peaceful purposes, a loophole that Iran may be exploiting. A related issue is that under the current regime, countries can like North Korea leave the treaty regime with impunity, taking with them effectively whatever technology they were transferred in good faith while they were states parties. Also, the intensity of IAEA verification is determined more by the size of a nuclear program (e.g., Canada) than by the likelihood of compliance (Iran). The IAEA's "Additional Protocols" do increase the IAEA's capacity to ensure that states parties' declarations are complete, improve the Agency's chances of detecting undeclared

material and activities and thus deter states from engaging in prohibited activities. Only 84 Additional Protocols have been signed and approximately 70 have come into force. To make IAEA inspections more effective, Additional Protocols should become the new accountability norm. Transfers by members of the Nuclear Suppliers Group should be made conditional on the recipient state's accepting the Protocol. Further, the IAEA's resources should be augmented to reflect the seriousness with which the international community takes this issue. Also, consideration needs to be given to severing the Agency's proliferation control mandate from its nuclear promotion functions.

More can be done. IAEA Director General Mohamed ElBaradei has argued that the only way, ultimately, to prevent non-nuclear weapons states from acquiring their own plutonium or highly enriched uranium for weapons purposes is to restrict enrichment and reprocessing activities by individual states and to create an international suppliers group of some kind, possibly under IAEA authority. President Bush has endorsed the idea. In the meantime, support has grown for such a rigorous approach, although resistance is apparent from states, including from some with exemplary nonproliferation records, including Canada. Still, the loophole that Iran is apparently exploiting, to put itself in a position to produce highly enriched uranium or plutonium and, thus, weapons in short order, needs to be closed and this is one obvious way of doing it. (At the same time, Japan already has plutonium production for its civil program, making consistent behaviour by the international community difficult to say the least.) Simple though it sounds, qualifying or nullifying "the inalienable right of all parties to the treaty to develop research, produce and use of nuclear energy for peaceful purposes without discrimination" will be a tough sell, particularly in light of the disdain of the nuclear weapons for disarmament. Nevertheless, one possibly workable approach as President Bush has proposed is to guarantee

states that do not already have enrichment or reprocessing facilities access to nuclear fuel at competitive prices. An actual or a virtual IAEA fuel bank, comprising several fuel suppliers in order to preclude politically motivated decisions to withhold supply, has considerable merit. To be acceptable, it would have to function exclusively on non-proliferation grounds. Surplus highly enriched uranium could be downgraded and supplied to the IAEA bank, as the US has apparently offered to do and Russia has contemplated doing, thus removing material that could be used illicitly to make bombs, thereby killing two birds with one stone. Success in creating an effective fuels bank would make it easier to achieve a moratorium on the construction of new enrichment or reprocessing facilities. In the meantime, states could agree to end the production of highly enriched uranium and pause in the separation of plutonium.

Institutional Innovations

In a situation of such scope and complexity, and in light of such significant disagreements, can effective multilateral consensus be achieved and channeled? Universal participation or as close as possible to that is important to a nuclear treaty's legitimacy and effectiveness. But large negotiating bodies are inefficient and prone to lowest common denominator outcomes, when there are outcomes at all. The Conference on Disarmament is notoriously paralyzed. The UN General Assembly (UNGA) does not usually negotiate at the level of 191 countries; hence the recourse there to regional and other groups. At the same time, not all countries have the capacity or the interest to contribute meaningfully to complex technical negotiations. Smaller existing state-to-state forums can be used or new ones created. One obvious forum is the UN Security Council; another is the G-8; another could be the so-called L-20, a leaders' forum akin to the G-8 but larger, comprising developed and developing countries.

The UN Security Council can be made more effective, assuming an adequate degree of

common interest among the permanent five (P 5) members and contingent upon the line-up of nonpermanent members on a given Council. The Council has been very effective on discrete issues, such as curtailing the role of blood diamonds in illicit arms transfers in the Angola civil war. It has, also, been moderately effective on counter-terrorism, post 9/11.

Resolution 1373 prohibits and criminalizes financial and other support for terrorists. In adopting Resolution 1540 under Chapter VII, further recourse was had to the “legislative powers” of the Security Council. Resolution 1540, nonetheless, requires all UN members to criminalize support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery. Member states are also obliged to enhance controls over nuclear and other materials. Such recourse to the Council will work only if it is united and determined. The fecklessness evident in bringing Iran into the Security Council dock does not inspire confidence. Nor has the Council been allowed to amount to much on North Korea. There is limited scope for the Security Council to do more. It could for example “legislate” a mandatory response by the international community to North Korea’s withdrawal from the NPT. It could impose sanctions on other miscreants, like Iran, for deceptive behaviour. It could possibly give the force of international law to the decisions of suppliers groups. Beyond the nuclear and chemical domains, whose treaty bodies have their own highly proficient inspections and verification capabilities, the Security Council could give itself an enhanced inspection capability by acquiring the residual staff and expertise of UNMOVIC, which proved effective under the most adverse circumstances in Iraq. The existence and the operations of a UN Security Council inspectorate would make willful blindness by member countries much harder to sustain.

While there is a limit to how effective the Security Council can be as an instrument of non- and counter-proliferation, it does have the great advantages of simplicity and authority. Statutorily, only nine countries including the Permanent five members—on proliferation issues often like-minded--need to be persuaded before action can be taken. Further, the Council has a Charter-mandated role on all matters affecting international peace and security. Simplicity and authority do not necessarily constitute legitimacy, however. Most UN members do not believe that in adopting the Charter they were empowering the Council systematically to bypass the General Assembly or, more important, to act as unaccountable executive and legislative branches, supplanting the constitutional roles of their own parliaments and cabinets. There remains, moreover, after the failure of the UN Summit, the representational deficit in so far as permanent members from the Third World are concerned, which includes two actual and two potential nuclear weapons states. Moreover, the allergy to disarmament of the NWS and the earlier threats by the US against Iran are undoubtedly generating sympathy for the Iranians, however misplaced. Clearly, those wishing to expand the Council's writ will need to be circumspect about how fast to go on proliferation and how far to outpace the General Assembly consensus.

The G-8 continues to provide a forum in which the world's leading economic powers bring their extraordinary resources to bear in support of the security of its members. In the Eighties and Nineties, the G-8 proved to be very effective in producing counter-terrorism cooperation. More recently, at Kananaskis in Canada, the G-8 reached agreement on the Global Partnership. In 2003, at Evian, the G-8 launched its Radioactive Source Security Initiative. In 2004, at Sea Island, the group laid out a Non-Proliferation Action Plan. In 2004, at Gleneagles, they followed up on previous commitments,

particularly as regards the Global Partnership, indicating their preparedness to expanding its coverage to other countries. They also undertook to enhance the Nuclear Suppliers Group (NSG) guidelines and to refrain from transfers of enrichment and reprocessing equipment and technologies to additional states. Although it has no statutory authority and effectively leads by example, the G-8 can, thus, be effective in and of itself, and in acting as a high level ginger group for international action.

The L-20 (which might turn out yet t be an L-13), or Leaders Summit, idea was born of the experience of the financial crises of the 1990s, when successively Mexico and countries in Latin America, then South Korea and ASEAN countries and finally Russia experienced serious economic and financial distress. The finance ministers of the G-7 proved too restrictive a group to set the direction for sound crisis management for countries that were not part of the group. “Buy-in” by the debtor states simply could not be imposed. Ultimately, a larger group had to be formed, the G-20, which comprised the G-8 countries plus regional powers, representing approximately 90 percent of the world's economic output, 75 percent of its trade, and 67 percent of its population. The L-20 idea recognizes that not just financial but also geopolitical realities are changing. For non-proliferation and disarmament purposes, the L-20 could comprise countries with substantial actual or latent nuclear material and technology, from North and South. It would include those countries whose participation was necessary to the achievement of the group’s purpose. It would meet annually at the summit level and deal with cross-institutional and inter-disciplinary issues that exceeded the writs of existing international organs and/or the portfolios of individual ministers/secretaries. Where the Security Council meets in continuous session at ambassadorial level, the L-20 would meet annually at

heads level. It would undoubtedly facilitate the development of consensus, making it possible, as the key countries on a given issue would be present, to telescope consensus development in the UN or specialized institutions.

Conclusion

What is clearly missing is not ideas about how to proceed but recognition that all have a stake in nuclear security, and that nothing is necessarily forever, including the arms control and disarmament regime and its cornerstone, the Non-Proliferation Treaty, and their own nuclear monopolies. There seems to be inadequate concern among the nuclear-armed states that the legitimate interests of the non-nuclear states are critical. They are little interested in disarmament, a term they have virtually excised from their vocabularies. They need to reacquire a sense of common interest and shared fate

In today's security environment, inspections that only verify what a country has declared are not likely to be judged "effective", in terms of the assurance they provide the international community.

both safeguards agreements and additional protocols are focused on nuclear material - and therefore, the Agency's legal authority to investigate possible parallel weaponization activity is limited, absent some nexus linking the activity to nuclear material.

i

On the more general front, we address the problem of hair-trigger alerts, of launch on warning, on the need for reduction of strategic weapons between the United States and Russia, and on the need to withdraw [U.S. and Russian tactical nuclear] weapons from the European front back to U.S. territory and into central storage in Russia

the U.S. suggestion that there could be some kind of assurance against aggression and there could be also diplomatic relations with the United States and Japan and the public discussion about the possibility of a peace treaty. All of these things are geared to assure North Korea that they will not be subject to a military attack, any regime change efforts, and intervention to that effect

Many of the 65 members of the CD favor holding negotiations or at least talks on nuclear disarmament, the prevention of an arms race in outer space, and negative security assurances. The United States has opposed a work program that includes these items.

Security Council Resolution 1540 is another initiative the commission looks favorably upon and sees as something institutionally and constitutionally rather new.[14] The Security Council has the power and the duty to determine whether a situation constitutes a threat to international peace and security under Article 39, so they're the judge. It has also executive power in Article 41 and 42 in the designing of sanctions by obligatory members. Now, it has added in 1540 a legislative power in telling member states that they must—under Chapter VII—enact the following type of legislation.

had just established a group of international experts to explore options for better control over these proliferation sensitive aspects of the fuel cycle. Their work, and the proposals offered by other experts and several governments, have helped to shape my understanding of how such controls might be put in place.

As I see it, this could occur in a series of four steps:

1. Provide assurance of supply of reactor technology and nuclear fuel;
2. Accept a time-limited moratorium (of perhaps 5-10 years) on new uranium enrichment and plutonium separation facilities - at the very least for countries that do not currently have such technologies;
3. Establish a framework for multilateral management and control of the "back end" of the fuel cycle (i.e. spent fuel reprocessing and waste disposal); and
4. Create a similar framework for multilateral management and control of the "front end" of the fuel cycle (i.e. enrichment and fuel production).

The International Convention on the Suppression of Acts of Nuclear Terrorism was adopted by the UN General Assembly in April 2005. Many governments have also responded to UN Security Council resolution 1540, adopted in April 2004. Both the Convention and resolution 1540 call on countries to criminalize the illicit possession and use of radioactive material, and aim to enhance efforts to detect and combat illicit trafficking. And in July, parties to the Convention on the Physical Protection of Nuclear Material agreed on major changes that would make it legally binding for countries to protect nuclear facilities and material in domestic use, storage and transport.

Key Bush administration officials and advisors believe that the international nuclear nonproliferation regime is not an effective bulwark against proliferation, and therefore even if the proposed deal with India were to weaken this regime, this cost would be outweighed by the strategic gains of balancing Chinese power. In this view, proliferation is not prevented by treaties and rules, and nuclear weapons per se are not a problem. Rather, nuclear weapons in the hands of evil states and terrorists are the threat, and these actors will not be deterred or blocked by nonproliferation rules. The only way to negate the nuclear threats posed by terrorists and "rogue" states is to remove evil regimes and eradicate terrorists