

# Western States Legal Foundation

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## NPT 2010: Rhetoric vs. Reality

*By Jacqueline Cabasso*

The 2010 NPT Review Conference is widely seen as a make-it-or-break-it point for the long term viability of the nuclear nonproliferation regime. Non nuclear weapon states are rightly expecting the nuclear weapon states to finally demonstrate the good faith requirement of their Article VI disarmament obligation, in force since 1970. The outcome of this Review Conference will put to the test the reality behind U.S. President Barak Obama's nuclear disarmament rhetoric.

Barak Obama's April 5, 2009 Prague speech has been hailed as a world-changing event. One thing is certain. Obama's Prague speech inspired a tidal wave of hope and opened up the space for a badly needed renewal of advocacy and action to abolish nuclear weapons. But Obama made conflicting statements in Prague, and his foreign policy has been similarly characterized by contradictory positions, rhetorically emphasizing the importance of diplomacy while in reality relying heavily on the use of force.

Despite hopes for a dramatic change of course, the long awaited U.S. Nuclear Posture Review (NPR), released April 6, 2010, reveals no substantial changes in U.S. nuclear force structure, retaining all three legs of the strategic triad: heavy bombers; ICBMs and strategic submarines. It only marginally reduces the role of nuclear weapons in U.S. national security policy, stating, "These nuclear forces will continue to play an essential role in deterring potential adversaries and reassuring allies and partners around the world." The NPR explicitly rejects reducing the high-alert status of ICBMs [Intercontinental Ballistic Missiles] and strategic submarines (SSBNs), concluding that "the current alert posture of U.S. strategic forces – with heavy bombers off full-time alert, nearly all ICBMs on alert, and a significant number of SSBNs at sea at any given time – should be maintained for the present." It also reaffirms the policy of extended deterrence and retains the capability to forward-deploy U.S. nuclear weapons on tactical fighter-bombers and heavy bombers, including at NATO bases in Europe, while proceeding with a modification of the B-61 bomb carried on those planes.

The NPR declares that the United States will not use or threaten to use nuclear weapons against non-nuclear weapon states parties to the NPT that are in compliance with their non-proliferation obligations – a "negative security assurance" clearly meant as a warning to Iran and North Korea. According to the NPR: "The United States is... not prepared at the present time to adopt a universal policy that the 'sole purpose' of U.S. nuclear weapons is to deter nuclear attack on the United States and our allies and partners," though it vaguely commits to "work to establish the conditions under which such a policy could be safely adopted." And it does not rule out first use.<sup>1</sup>

While the NPR pledges that the United States will not develop new nuclear warheads and will not support new military missions or provide for new military capabilities, the Obama Administration's FY 2011 budget request, submitted on February 1 in anticipation of the NPR, proposes a 14% increase in funding for the National Nuclear Security Administration to modify

and upgrade U.S. nuclear weapons – a greater percentage increase than planned for any other government agency.<sup>2</sup>

Hoped-for U.S. Senate ratification of New START and the Comprehensive Test Ban Treaty (CTBT) is being conditioned on increased investment in new infrastructure for building nuclear weapon components, including their plutonium cores (“pits”).<sup>3</sup> The new facilities would provide the capability to build-up nuclear forces should the decision be made to do so and to produce modified or new-design warheads. The Obama administration’s

FY2011 budget request includes nearly \$7.3 billion for the weapons complex, in inflation adjusted dollars, the largest amount *ever*.<sup>4</sup> The request includes a massive increase, to \$225 million for FY2011 alone, for the controversial project to build a facility to produce pits at the Los Alamos nuclear weapons laboratory.<sup>5</sup>

Modernization of existing U.S. warheads to extend their lives is also ongoing, including in some cases, adding new military capabilities. As verified in the NPR, the Obama administration is proposing that nearly \$2 billion be spent from 2011 to 2015 on modernizing the B-61 gravity bombs, now deployed in Europe, to make them compatible with the next generation of nuclear-capable fighter jets, among other things.<sup>6</sup> Unlike other nuclear weapon states, the United States is not now producing and deploying new versions of missiles, bombers, and submarines assigned to carrying nuclear warheads. But it is intensively developing many other aspects of its nuclear forces, such as command and control and targeting capabilities. And it is planning for eventual new generations of delivery systems. For example, the administration is proposing to spend \$672 million in 2011 for design of a new ballistic missile submarine, to be built in 2019.<sup>7</sup>

Remarks by Defense Secretary Robert Gates at a March 26 White House briefing on the announcement of U.S.-Russian agreement on a new START treaty pretty much sums up the direction of U.S. nuclear weapons policy for the foreseeable future:

“America’s nuclear arsenal remains an important pillar of the U.S. defense posture, both to deter potential adversaries and to reassure more than two dozen allies and partners who rely on our nuclear umbrella for their security.

But it is clear that we can accomplish these goals with fewer nuclear weapons. The reductions in this treaty will not affect the strength of our nuclear triad. Nor does this treaty limit plans to protect the United States and our allies by improving and deploying missile defense systems.

Much of the analysis that supported the U.S. negotiating position was provided by the Defense Department’s nuclear posture review...

As the number of weapons declines we will have to invest more heavily in our nuclear infrastructure in order to keep our weapons safe, secure and *effective*.”<sup>8</sup> [emphasis added]

In Prague, Obama made a welcome acknowledgement that “as the only nuclear power to have used a nuclear weapon, the United States has a moral responsibility to act” for their elimination. And he declared: “To put an end to Cold War thinking, we will reduce the role of nuclear weapons in our national security strategy, and urge others to do the same.” But this was followed with, “As long as these weapons exist, the United States will maintain a safe, secure and effective arsenal to deter any adversary, and guarantee that defense to our allies.”<sup>9</sup>

What does deterrence mean in U.S. doctrine? A typical definition appears in a September 2008 Defense Department report:

“Though our consistent goal has been to avoid *actual* weapons use, the nuclear deterrent is ‘used’ every day by assuring friends and allies, dissuading opponents from seeking peer capabilities to the United States, deterring attacks on the United States and its allies from potential adversaries, and providing the potential to defeat adversaries if deterrence fails.”<sup>10</sup> [emphasis added]

In other words, the U.S. uses the threat of nuclear attack the way a bank robber holds a gun to the head of a teller. In his 2007 book, “Empire and the Bomb: How the U.S. Uses Nuclear Weapons to Dominate the World,” Joseph Gerson documented at least 30 occasions since the atomic bombings of Hiroshima and Nagasaki when every U.S. President has prepared or threatened to initiate nuclear war.<sup>11</sup> In 1996, President Clinton made a covert nuclear threat against an alleged underground chemical weapons facility in Libya,<sup>12</sup> and in 2002 President Bush had contingency plans drawn up for battlefield use of nuclear weapons in Iraq.<sup>13</sup> The policy of nuclear deterrence is not passive and it is not benign.

According to its proponents, maintaining a “credible” U.S. deterrent will require a massive investment in the nuclear weapons infrastructure. In March 2008, General Kevin Chilton, Commander of Strategic Command, in charge of U.S. nuclear war planning, told Congress:

“If the nation is going to maintain a nuclear deterrent, the capabilities that support this deterrent should be second to none. We must care for the stockpile whether we possess one weapon or thousands. . . . A revitalized infrastructure will facilitate a reduction of the large inventory of weapons we maintain today as a hedge against strategic uncertainty and weapon reliability concerns, and will allow us to sustain our nuclear capability and expertise throughout the 21st Century.”<sup>14</sup>

To this end, in September 2009, Congress voted to spend \$6.4 billion in Fiscal Year 2010 to maintain and enhance the U.S. nuclear weapons stockpile. This includes an upgrade to the W76 warhead carried aboard the 14 U.S. Trident submarines currently patrolling the world’s oceans. The W76 is being given a new capacity to destroy “hard targets” with a “ground burst” by modifying a subsystem in its delivery vehicle. It also includes funding to study modernization of the B61 bomb and plan for a “long-term 21<sup>st</sup> century weapon.” And it increases funding for production of plutonium pits – the cores of hydrogen bombs.<sup>15</sup>

In November 2009, Chilton predicted the United States will need nuclear weapons 40 years into the future, stating: “The President himself has said... a world [without nuclear weapons] will not be reached quickly and perhaps not in his lifetime and I agree with that.... It’s not because we couldn’t physically cut up every weapon in the world in 40 years. *We could*... The question is would it be a safer world if we did.” Quoting from Obama’s Prague speech, General Chilton said his Command must focus on “the President’s confirmation that as long as nuclear weapons exist the United States will maintain a safe, secure and effective arsenal to deter any adversary and to guarantee that defense to our allies.”<sup>16</sup> [emphasis added]

Perhaps even more dangerous than nuclear warhead modifications, are upgrades to delivery systems for conventional weapons. According to General Chilton: “We *have* a prompt global strike delivery capability on alert today, but it is configured *only* with nuclear weapons, which

limits the options available to the President and may in some cases reduce the credibility of our deterrence.”<sup>17</sup> [emphasis added]

In response, the Pentagon has begun development of a new generation of long range delivery systems capable of carrying conventional warheads that would allow the United States to strike any target in on earth within an hour. The NPR endorses this plan, noting that, “Specific recommendations will be made in the fiscal year (FY) 2012 Department of Defense budget.”

Russian security analysts have been raising concerns that these conventional U.S. “alternatives” to nuclear weapons might pose an obstacle to U.S. – Russian nuclear arms control negotiations. A year ago, Alexei Arbatov at the Carnegie Moscow Center observed: “There are very few countries in the world that are afraid of American nuclear weapons. But there are many countries which are afraid of American conventional weapons. In particular, nuclear weapons states like China and Russia are primarily concerned about growing American conventional, precision-guided, long-range capability.” He added that “threshold states” with potential for developing nuclear weapons are similarly concerned about U.S. conventional capabilities.<sup>18</sup>

Paradoxically, Robert Einhorn, now Special Advisor for Nonproliferation and Arms Control to Secretary of State Hillary Clinton, remarked in 2007: “We should be putting far more effort into developing more effective conventional weapons. It’s hard to imagine a president using nuclear weapons under almost any circumstance, but no one doubts our willingness to use conventional weapons.”<sup>19</sup> This statement, unfortunately, is all too true.

But an even more overpowering conventional U.S. military threat surely is not the desired outcome of the nuclear disarmament process. Moreover, how would potential adversaries with fewer economic resources respond? Wouldn’t they have an incentive to maintain or acquire nuclear weapons to counter U.S. conventional military superiority? And wouldn’t that, in turn, entrench U.S. determination to retain and modernize its own nuclear arsenal, thus rendering the goal of nuclear disarmament nearly impossible?

This conundrum is one of the biggest challenges to the elimination of nuclear weapons and must be faced. Indeed, we have begun to see it played out in connection with negotiation of the new START treaty. According to President Obama, the newly-released NPR, which discusses in depth “strategic stability” between the U.S. and Russia and the U.S. and China, “recognizes that our national security and that of our allies and partners can be increasingly defended by America’s unsurpassed conventional military capabilities and strong missile defenses.”<sup>20</sup> The same day, Russian Foreign Minister Sergei Lavrov repeated Moscow’s threat to withdraw from the new START treaty if U.S. missile defense plans threaten Russia. According to Lavrov, “To move toward a nuclear-free world, it is necessary to resolve the question of non-nuclear-equipped strategic offensive weapons and strategic weapons in general, which are being worked on by the United States, among others.”<sup>21</sup>

In a profoundly disturbing speech to the U.S. Institute of Peace on October 21 2009, Secretary of State Clinton said:

“We are sincere in our pursuit of a secure peaceful world without nuclear weapons. But until we reach that point of the horizon where the last nuclear weapon has been eliminated, we need to reinforce the domestic consensus that America will maintain the nuclear infrastructure needed to sustain a safe and effective deterrent without nuclear testing. So in addition to supporting a robust nuclear complex budget in 2011, we will

also support a new Stockpile Management Program that would focus on sustaining capabilities.”

Citing General Chilton she added: “This is what the military leaders, charged with responsibility for our strategic deterrent, need in order to defend our country.”<sup>22</sup>

Influential members of the U.S. nuclear establishment are engaged in a full court press to ensure that even Obama’s modest first steps to reestablish traditional arms control are doomed to fail. For example, the Commission established by Congress to give advice on the Nuclear Posture Review, in May 2009 reported:

“The United States requires a stockpile of nuclear weapons that is safe, secure, and reliable, and whose threatened use in military conflict would be credible... The conditions that might make the elimination of nuclear weapons possible are not present today and establishing such conditions would require a fundamental transformation of the world political order.”<sup>23</sup>

Almost as if to ensure that such conditions are not created, the Senate in 2009, with bi-partisan support, adopted an amendment to the 2010 Defense Authorization Bill calling on the President to assure that the new U.S.-Russia START treaty does not limit U.S. ballistic missile defense systems, space capabilities, or advanced conventional weapons systems – precisely the same issues that Russia has raised as impediments to deeper nuclear arms reductions. Another amendment requires the President to deliver a plan to modernize the U.S. nuclear arsenal.<sup>24</sup>

The START follow-on agreement signed in Prague on April 8, 2010 will not fundamentally alter the nuclear balance of terror between the United States and Russia. The new START treaty lowers the ceiling to 1550 deployed strategic warheads on each side, down from the Strategic Offensive Reductions Treaty (SORT) ceiling of 2200 warheads – not enough to qualitatively change the relationship. Moreover, according to independent analysts, a rule for counting each bomber – which can carry from six to 20 warheads – as just one warhead, will enable each side actually to deploy hundreds of warheads in excess of the limit, near the SORT ceiling.<sup>25</sup> The reductions will apply only to deployed strategic warheads. The treaty will not affect warheads held in reserve or non-strategic (battlefield) warheads, such as the estimated 150 – 200 U.S. nuclear weapons still deployed at NATO bases in five European countries. It does not require the destruction of a single warhead. According to analyst Hans Kristensen, the new limit could represent an actual decline of only 100 – 200 U.S. weapons – seven years after the treaty enters into force.<sup>26</sup> And, according to Russian analyst Pavel Podvig, Russia is already in compliance with the numbers established in the new treaty.<sup>27</sup>

The main virtue of the new agreement is that it will continue the process of reduction, however modest, and ensure continued fulfillment of the verification and monitoring functions once met by START.

However, entry-into-force faces significant hurdles, as concerns raised by Russia’s military and political elites about the treaty’s failure to address U.S. ballistic missile defenses and planned “prompt global strike” conventional weapons systems, jeopardize prospects for ratification by the Russian Duma. According to Alexei Arbatov, it would be particularly troublesome if part of the reductions called for in the new treaty were conducted by converting strategic nuclear weapons into conventional prompt global strike systems.

The Kremlin has reportedly stated its intention to modernize at least 70 percent of Russia's strategic forces in the next 10 years. According to Arbatov, "nothing in the treaty prevents Russia from introducing new systems," noting that Moscow has plans to develop and deploy a new mobile multi-warhead ICBM (the RS-24) that could be fielded by 2016.<sup>28</sup>

And despite the concessions it exacted in advance – including the huge increase in the nuclear weapons budget -- ratification of the new START treaty by the U.S. Senate is by no means a sure thing.

In January 2010, the "four horsemen," George Shultz, William Perry, Henry Kissinger and Sam Nunn, peeled away some of the disarmament rhetoric from their now-famous vision of "A World Free of Nuclear Weapons." In an op-ed entitled, "How to Protect Our Nuclear Deterrent," again appearing in the *Wall Street Journal*, they declared:

"Maintaining high confidence in our nuclear arsenal is critical as the numbers of these weapons goes down. . . . The United States must continue to attract, develop and retain the outstanding scientists, engineers, designers and technicians we will need to maintain our nuclear arsenal, whatever its size, for as long as the nation's security requires it."

And they warned, "[T]he deadliest weapons ever invented could fall into dangerous hands," calling for a substantial increase in funding for the U.S. nuclear weapons laboratories and a modernized nuclear weapons infrastructure to prevent this from happening.<sup>29</sup>

The "four horsemen's" analysis and recommendations were endorsed by Vice-President Joseph Biden ten days later, in a *Wall Street Journal* op-ed announcing the Administration's inflated Fiscal Year 2011 budget request.<sup>30</sup>

Unfortunately, this circular reasoning is very short-sighted. Investing in a modernized nuclear weapons infrastructure will be viewed as hypocritical by other nations. And it will provide the next President and future Presidents the means to design and build new nuclear weapons if they so choose, and thus spark new arms races.

In their op-ed, the four horsemen invoked the spectre of nuclear weapons falling into "dangerous hands" three times. Yet in whose hands are nuclear weapons "safe"? (The only hands that have so far used them?) As the Hans Blix-led WMD Commission stated in its 2006 report, *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*, "The Commission rejects the suggestion that nuclear weapons in the hands of some pose no threat, while in the hands of others they place the world in mortal jeopardy." As they wisely observed: "Governments possessing nuclear weapons can act responsibly or recklessly. Governments may also change over time."<sup>31</sup> In short, nuclear weapons are dangerous in *anyone's* hands.

As committed nuclear abolitionists, we have identified some of the "inconvenient truths" that lie between the recent wave of promising rhetoric and the realities that will have to be addressed to bring its promise to fruition. Another inconvenient truth is the NPT Article IV promise of "peaceful" nuclear technology to states that agree to forgo nuclear weapons.

Article IV of the NPT refers to an "inalienable right" of non-nuclear weapon states to develop nuclear energy for peaceful purposes. By allowing for states to build up the capacity and infrastructure – through ostensibly civilian energy and research programs – to produce nuclear

weapons within a brief time period, this presents a major problem for the *confident* achievement and sustainability of a world free of nuclear weapons.

However, any right must be exercised in conformity with international law, and the NPT makes the exercise of the Article IV right contingent on the obligation not to manufacture nuclear weapons. More broadly, the Article IV right is subject to limits based upon the environmental and security rights of other states and the global community.

Further, while states are entitled to develop energy sources as part of the sovereign right of development, that right is subject to restrictions, in the common interest. Accordingly, the qualification of the NPT right to peaceful nuclear energy as “inalienable” should be understood in the context of the NPT bargain, and not as a claim that it is a fundamental aspect of sovereignty. It therefore may be limited or extinguished over time by subsequent developments and agreements, like the NPT Article V promise of access to the “benefits” of peaceful nuclear explosions, which became understood as unacceptably environmentally damaging and has been prohibited in the Comprehensive Test Ban Treaty.<sup>32</sup>

Additionally, in the NPT context, non-nuclear weapon states – particularly those with nuclear fuel cycle capabilities – must be willing to relinquish some of their sovereignty and open their facilities to intrusive inspections in order to remain in good standing.

Fueled in part by the corporate-driven campaign for a nuclear power “renaissance,” the pursuit of nuclear energy has become a leading cause of conflict around the world due to the inherently dual use nature of the nuclear fuel cycle. The U.S. – India nuclear deal, approved by the Nuclear Suppliers Group and the U.S. Congress in late 2008, will provide India, a non-NPT party, with nuclear technology and materials that might enable it to further develop its weapons program.<sup>33</sup> Pakistan and Israel, both non-NPT nuclear-armed states, are reportedly pursuing similar deals.<sup>34</sup>

The potential for further inflaming already volatile regions of the world by adding nuclear capacity is obvious. Additional negatives, such as the extreme environmental risks of nuclear energy, as exemplified by the Chernobyl disaster, the intractable problem of disposition of long-lived high-level radioactive waste, and the huge capital costs of nuclear energy are well known. However, there is another less frequently examined negative dimension.

Nuclear power, the most expensive form of centralized electricity generation, is an inefficient way to deliver energy to the world’s vast underserved populations, particularly those in rural areas. Investing the immense capital needed to construct nuclear plants in decentralized, renewable energy technologies world-wide also would promote further innovation and bring down prices, encouraging their spread. This approach would improve energy access, provide employment, and broaden the economic potential of areas left out of the current system of corporate globalization, reducing both greenhouse gas emissions and oil consumption, and reducing as a consequence competition for shrinking oil and gas supplies that is, among other things, a significant factor driving global conflict.<sup>35</sup>

If we are to achieve a world of human and ecological security, we must phase out and move beyond nuclear power, as well as fossil fuels.

Some commentators have characterized Obama’s pledge to “to seek the peace and security of a world without nuclear weapons,” as unprecedented. Yet in the NPT itself, the U.S. and the other original nuclear weapon states pledged to negotiate *in good faith* the elimination of their nuclear

arsenals. So, 40 years later, and 20 years after the end of the Cold War, why are nuclear weapons still with us? Who benefits from them? If the most powerful military force in history insists that it still needs nuclear weapons to defend itself, how can we realistically expect less powerful states to forgo them? These are the difficult questions we must ask in order to figure out what it will take to fulfill the promise of the NPT and get rid of the ultimate weapons of mass destruction.

We can no longer approach the abolition of nuclear weapons as a single issue. In order to succeed, we'll need to address interconnected issues of militarization, globalization, and the economy. And we'll need to build a movement that brings together the very diverse constituencies that make up the vast majority of the world's population that does not benefit from the permanent war system. In order to attract these constituencies we'll need to develop a universally applicable vision of "human" security, centered on meeting the basic needs of individuals everywhere, to replace the outmoded, unsustainable and fundamentally undemocratic concept of "national" security ensured through overwhelming military might.

In a time of twin global economic and environmental crises and growing competition over natural resources, the dangers of conflicts among nuclear-armed states are increasing. We can't afford to wait decades more for the elimination of nuclear weapons. Seriously moving toward abolition of nuclear weapons will require taking on other challenges as well, but this is not a reason to delay any longer *delegitimizing deterrence* and eliminating the role of nuclear weapons in national security policies.

In its 2006 report, the WMD Commission noted the disparity between nuclear disarmament and development efforts, arguing:

"It is time for all governments to revive their cooperation and to breathe new life into the disarmament work of the United Nations. Efforts to eradicate poverty and to protect the global environment must be matched by a dismantling of the world's most destructive capabilities. The gearshift now needs to be moved from reverse to drive."<sup>36</sup>

But, what it will take to "move the gearshift?" Though he didn't mention nuclear weapons by name, Brazilian President Lula da Silva, in his statement commencing the General Debate of the 61st session of the United Nations General Assembly, summed it up this way:

"There will only be security in a world where all have the right to economic and social development. The true path to peace is shared development. If we do not want war to go global, justice must go global."<sup>37</sup>

*Nuclear disarmament should serve as the leading edge of a global trend toward demilitarization and redirecting resources to meet human needs and restore the environment.* This is the mission statement adopted

by a growing international civil society campaign preparing for the May 2010 NPT Review Conference. Initiated by Japanese non-governmental organizations (NGOs), and supported by Mayors for Peace – with nearly 4,000 member cities in 143 countries and regions, hundreds of groups around the world have collected millions of signatures on petitions calling on NPT member states to commence negotiations *now* on a treaty to eliminate nuclear weapons within a timebound framework, and are making plans to converge in New York City. On April 30 – May 1, they will honor the legacy of Martin Luther King with a major international conference, "For a

Nuclear Free, Peaceful, Just and Sustainable World,” at the Riverside Church where he gave perhaps his most prophetic speech exactly one year before his tragic assassination.<sup>38</sup> On May 2, the day before the NPT Review Conference opens, they will hold a mass rally in the heart of Times Square, followed by a march to the UN, for a peace and world music festival, and a symbolic presentation of the petition to UN officials.<sup>39</sup> *Momentum is building, but....*

A massive powerful military-industrial complex has successfully perpetuated the role of nuclear weapons as the cornerstone of U.S. national security policy for nearly 65 years – a military-industrial complex that has been imitated though never replicated by a growing number of countries. Bearing this in mind, NGOs and like-minded governments need to be thinking beyond the NPT. A number of creative ideas are being put forward. In very brief form, here are just three:

1) The International Association of Lawyers Against Nuclear Arms and Harvard Law School’s International Human rights Clinic recommend that the UN General Assembly request that the International Court of Justice render an advisory opinion on the obligation of good faith negotiations leading to nuclear disarmament. The opinion would clarify legal aspects of the obligation and provide guidance for complying with it.<sup>40</sup>

2) Mayors for Peace is exploring, with other NGOs, the idea of convening an NPT “Extraordinary” Preparatory Committee (PrepCom) meeting next year – normally a year off in the NPT review cycle, if the 2010 Review Conference fails to at least begin preparations for negotiation of a nuclear weapons convention. The Extraordinary PrepCom would be an opportunity for civil society and like-minded governments to move beyond the NPT business-as-usual mode and make serious preparations for negotiations to get underway.<sup>41</sup>

3) The Abolition 2000 Global Network to Eliminate Nuclear Weapons<sup>42</sup> is calling on all governments to join and support the rapidly-growing International Renewable Energy Agency (IRENA) as a step towards moving away from reliance on nuclear energy. IRENA’s mission is to promote the widespread and increased adoption and sustainable use of all forms of renewable energy. IRENA’s Member States pledge to advance renewables in their own national policies and programs, and to promote, both domestically and through international cooperation, the transition to a sustainable and secure energy supply. At its Founding Conference on January 26, 2009, 75 countries signed the IRENA Statute. To date, the European Union and 142 countries are Signatories.<sup>43</sup>

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## Notes

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<sup>1</sup> United States of America Department of Defense, Nuclear Posture Review Report, April 2010, <http://www.defense.gov/npr/docs/2010%20Nuclear%20Posture%20Review%20Report.pdf>

<sup>2</sup> Martin Matishak, "Nuclear Posture Review Weeks Away, Gates Says," Global Security Newswire, March 24, 2010, [http://gsn.nti.org/gsn/nw\\_20100324\\_9107.php](http://gsn.nti.org/gsn/nw_20100324_9107.php)

<sup>3</sup> The U.S. Congress has appropriated \$32.5 million for work in 2010 on design of non-nuclear components of refurbished nuclear bomb, the B-61, currently deployed in Europe. Congress has also appropriated \$97 million for design of a new facility to produce the plutonium cores of warheads at Los Alamos Laboratory, the Chemistry and Metallurgy Research Replacement (CMRR) Nuclear Facility, and \$94 million for design of the Uranium Processing Facility at Oak Ridge, Tennessee, which would build secondaries for warheads. Construction is slated to begin this spring of a replacement Kansas City Plant in Missouri for production of non-nuclear components of warheads.

<sup>4</sup> Dr. Robert Civiak, "Enhancing Nuclear Weapons Research and Production to Enhance Disarmament?," February 22, 2010, <http://www.trivalleycares.org/new/reports/FY2011BUDGETRPT.pdf>. See also Robert Civiak, "Block funding increases for new nukes," March 12, 2010, Keene Sentinel, reproduced at [http://www.nhpeaceaction.org/index.php?option=com\\_content&task=view&id=563&Itemid=62](http://www.nhpeaceaction.org/index.php?option=com_content&task=view&id=563&Itemid=62)

<sup>5</sup> *Department of Energy FY2011 Congressional Budget Request*, National Nuclear Security Administration, Office of the Administrator, Volume 1, February 2010. <http://www.cfo.doe.gov/budget/09budget/Content/Volumes/Volume1a.pdf>

<sup>6</sup> Otfried Nassauer, "Washington Mulls Modernization of Aging Bombs," *Spiegel Online*, March 15, 2010, <http://www.spiegel.de/international/germany/0,1518,683682,00.html>. According to the, *Department of Energy FY2011 Congressional Budget Request*, "The [B61 Phase 6.2/6.2A] study will evaluate options for improving safety and use control features and ensures compatibility and integration with modern aircraft such as the F-35 Joint Strike Fighter." <http://www.cfo.doe.gov/budget/09budget/Content/Volumes/Volume1a.pdf>, p. 70

<sup>7</sup> John M. Donnelly, "Cost of Nuclear Subs Could Sink Navy Budget," *Congressional Quarter Today Online News*, March 1, 2010, reproduced at <http://www.missileforums.com/forums/viewtopic.php?f=9&p=8936#p8933>

<sup>8</sup> The White House, Briefing by Secretary Clinton, Secretary Gates, Admiral Mullen on the announcement of the new START treaty, March 26, 2010, <http://www.whitehouse.gov/the-press-office/briefing-secretary-clinton-secretary-gates-admiral-mullen-announcement-new-start-tr>

<sup>9</sup> The White House, REMARKS BY PRESIDENT BARACK OBAMA, Hradcany Square, Prague, Czech Republic, April 9, 2009, <http://www.whitehouse.gov/the-press-office/remarks-president-barack-obama-prague-delivered>

<sup>10</sup> "Report of the Secretary of Defense Task Force on DoD Nuclear Weapons Management; Phase I" The Air Force's Nuclear Mission, September 2008, p. 1, [http://www.defenselink.mil/pubs/phase\\_i\\_report\\_sept\\_10.pdf](http://www.defenselink.mil/pubs/phase_i_report_sept_10.pdf)

<sup>11</sup> Joseph Gerson, *Empire and the Bomb: How the US Uses Nuclear Weapons to Dominate the World*, London: Pluto Press, 2007.

<sup>12</sup> Kenneth Bacon, presenter, Department of Defense news briefing, April 23, 1996; Associated Press, "US Options on Libya Plant Called Few: Conventional Arms Won't Destroy It," *Boston Globe*, April 26, 1996, p. 9.

<sup>13</sup> William M. Arkin, "The Nuclear Option in Iraq: The U.S. has lowered the bar for using the ultimate weapon," *Los Angeles Times*, January 26, 2003.

<sup>14</sup> Statement of General Kevin P. Chilton, Commander United States Strategic Command Before the Strategic Forces Subcommittee, Senate Armed Services Committee on United States Strategic Command, 12 March 2008, p. 9, <http://armed-services.senate.gov/statemnt/2008/March/Chilton%2003-12-08.pdf>.

<sup>15</sup> “Nuclear Weapons Forever,” 2009 Fact Sheet, Alliance for Nuclear Accountability, <http://www.ananuclear.org/Portals/0/documents/2009%20Fact%20Sheets/LEP2%20final.pdf>

<sup>16</sup> Martin Matishak, “Strategic Command Chief Predicts U.S. Will Need Nuclear Weapons for Next 40 Years,” Global Security Newswire, November 11, 2009, [http://www.globalsecuritynewswire.org/siteservices/print\\_friendly.php?ID=nw\\_20091111\\_4409](http://www.globalsecuritynewswire.org/siteservices/print_friendly.php?ID=nw_20091111_4409)

<sup>17</sup> Statement of General Kevin P. Chilton, Commander United States Strategic Command Before the Strategic Forces Subcommittee, Senate Armed Services Committee on United States Strategic Command, 12 March 2008, p. 5, <http://armed-services.senate.gov/statemnt/2008/March/Chilton%2003-12-08.pdf>

<sup>18</sup> “Russian Experts Question Role of Conventional ‘Prompt Global Strike’ Weapons,” Elaine M. Grossman, Global Security Newswire, April 7, 2009, [http://www.globalsecuritynewswire.org/siteservices/print\\_friendly.php?ID=nw\\_20090406\\_7955](http://www.globalsecuritynewswire.org/siteservices/print_friendly.php?ID=nw_20090406_7955)

<sup>19</sup> James Sterngold, “Los Alamos scientist criticizes federal approach to arsenal,” San Francisco Chronicle, February 13, 2007, [http://articles.sfgate.com/2007-02-13/news/17232783\\_1\\_reliable-replacement-warhead-weapons-labs-nuclear-weapons](http://articles.sfgate.com/2007-02-13/news/17232783_1_reliable-replacement-warhead-weapons-labs-nuclear-weapons)

<sup>20</sup> The White House Blog, “Fulfilling a Promise from Prague,” The President’s Statement, April 6, 2010, <http://www.whitehouse.gov/blog/2010/04/06/fulfilling-a-promise-prague>

<sup>21</sup> Steve Gutterman, “Russia seeks limits on U.S. arms after pact,” Reuters, April 6, 2010, <http://www.reuters.com/article/idUSTRE6311B420100406>

<sup>22</sup> Secretary of State Hillary Rodham Clinton, Remarks at the United States Institute of Peace, Washington, DC October 21, 2009, <http://www.state.gov/secretary/rm/2009a/10/130806.htm>

<sup>23</sup> America’s Strategic Posture, The Final Report of the Congressional Commission on the Strategic Posture of the United States, William J. Perry, Chairman, James R. Schlesinger, Vice-Chairman, May 6, 2009, p. 17, [http://www.usip.org/files/America%27s\\_Strategic\\_Posture\\_Auth\\_Ed.pdf](http://www.usip.org/files/America%27s_Strategic_Posture_Auth_Ed.pdf)

<sup>24</sup> “Progress Made in Nuclear Treaty Talks, U.S. Says,” Global Security Newswire, July 21, 2009, [http://gsn.nti.org/gsn/nw\\_20090724\\_8592.php](http://gsn.nti.org/gsn/nw_20090724_8592.php). See also, S. Amdt. 1760: “To pursue United States objectives in bilateral arms control with the Russian Federation.” An amendment to S. 1390: National Defense Authorization Act for Fiscal Year 2010, July 22, 2009, <http://www.govtrack.us/congress/amendment.xpd?session=111&amdt=s1760>

<sup>25</sup> Hans Kristensen, “New START Treaty Has New Counting,” FAS Strategic Security Blog, March 29, 2010, <http://www.fas.org/blog/ssp/2010/03/newstart.php>

<sup>26</sup> Mary Beth Sheridan and Michael D. Shear, “U.S., Russia agree to nuclear arms control treaty,” The Washington Post, March 27, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/03/26/AR2010032601943.html>

<sup>27</sup> Pavel Podvig, “New START treaty in numbers,” Russian strategic nuclear forces, March 27, 2010, [http://russianforces.org/blog/2010/03/new\\_start\\_treaty\\_in\\_numbers.shtml](http://russianforces.org/blog/2010/03/new_start_treaty_in_numbers.shtml)

<sup>28</sup> Martin Matishak, “New START Seen Facing Political, Technical Challenges in Russia,” Global Security News, April 2, 2010, [http://gsn.nti.org/gsn/nw\\_20100402\\_6382.php](http://gsn.nti.org/gsn/nw_20100402_6382.php)

<sup>29</sup> George P. Shulz, William J. Perry, Henry A. Kissinger, and Sam Nunn, “How to Protect Our Nuclear Deterrent; Maintaining confidence in our nuclear arsenal is necessary as the number of weapons goes down,” The Wall Street Journal, January 19, 2010, <http://online.wsj.com/article/SB10001424052748704152804574628344282735008.html>

<sup>30</sup> Joe Biden, “The President’s Nuclear Vision; We will spend what is necessary to maintain the safety, security and effectiveness of our weapons,” The Wall Street Journal, January 29, 2010, <http://online.wsj.com/article/SB10001424052748704878904575031382215508268.html>

<sup>31</sup> Weapons of Mass Destruction Commission, final report, “Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms,” Stockholm, Sweden, June 1, 2006, p. 60, <http://www.wmdcommission.org>

<sup>32</sup> See “Nuclear Energy: Shackling Progress Toward a Nuclear Weapon Free World,” in *Beyond arms control: challenges and choices for nuclear disarmament*, pp.58 – 61, edited by Ray Acheson, Published by Reaching Critical Will, March 2010, <http://www.reachingcriticalwill.org/resources/books/beyondarmscontrol.html>

<sup>33</sup> *Backgrounder*, “The U.S. – India Nuclear Deal,” Council on Foreign Relations, updated October 2, 2008, <http://www.cfr.org/publication/9663/> Then-Senators Barack Obama and Joseph Biden both voted in favor of the deal. See “Senate loves India - Nuclear deal sails through, opponents fail to find speakers,” K. P. Nayar, The Telegraph, Calcutta, India, October 3, 2009, [http://www.telegraphindia.com/1081003/jsp/frontpage/story\\_9922393.jsp](http://www.telegraphindia.com/1081003/jsp/frontpage/story_9922393.jsp)

<sup>34</sup> “Pakistan demands rights to nuclear power after India deal is sealed,” Telegraph UK, October 2, 2008, <http://www.telegraph.co.uk/news/3122690/Pakistan-demands-rights-to-nuclear-power-after-India-deal-is-sealed.html> See also, “How India’s New Nuke Deal Might Set Off an Arms Race,” Adam B. Kushner, Newsweek, Published Oct 11, 2008, From the magazine issue dated Oct 20, 2008, <http://www.newsweek.com/id/163590>

<sup>35</sup> See” Rushing into the Wrong Future: The U.S.-India Nuclear Deal, Energy and Security,” Andrew Lichterman and M.V. Ramana, *Dissident Voice*, September 20th, 2008, <http://dissidentvoice.org/2008/09/rushing-into-the-wrong-future-the-us-india-nuclear-deal-energy-and-security/>

<sup>36</sup> Weapons of Mass Destruction Commission, final report, “Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms,” Stockholm, Sweden, June 1, 2006, p. 22, <http://www.wmdcommission.org>

<sup>37</sup> Statement by H.E. Mr. Luiz Inácio Lula da Silva, President of the Federative Republic of Brazil, at the General Debate of the 61st Session of the United Nations General Assembly, New York, September 19, 2006, p. 2 (emphasis added), <http://www.un.org/webcast/ga/61/pdfs/brasil-e.pdf>

<sup>38</sup> Martin Luther King, Jr., “Beyond Vietnam,” Address delivered to the Clergy and Laymen Concerned About Vietnam, at Riverside Church, New York City, April 4, 1967, [http://mlk-kpp01.stanford.edu/kingweb/publications/speeches/Beyond\\_Vietnam.pdf](http://mlk-kpp01.stanford.edu/kingweb/publications/speeches/Beyond_Vietnam.pdf)

<sup>39</sup> See [www.peaceandjusticenow.org](http://www.peaceandjusticenow.org) for more information including a list of endorsing organizations.

<sup>40</sup> Legal Memorandum, “Good Faith Negotiations Leading to the Total Elimination of Nuclear Weapons; Request for an Advisory Opinion from the International Court of Justice,” International Association of Lawyers Against Nuclear Arms and International Human Rights Clinic at Harvard Law School, 2009, <http://www.lcnp.org/disarmament/2009.07.ICJbooklet.pdf>

<sup>41</sup> For more information about Mayors for Peace and its 2020 Vision Campaign see <http://www.mayorsforpeace.org> and <http://www.2020visioncampaign.org>

<sup>42</sup> See <http://www.abolition2000.org>

<sup>43</sup> Preparatory Commission for International Renewable Energy Agency (IRENA), <http://www.irena.org>.