

Section of International Law (Annual Meeting 1994)

BE IT RESOLVED, That the American Bar Association recommends that the United States Government take the actions listed below, with the cooperation and agreement of other nations whenever possible, to maintain and strengthen the international regimes designed to control the proliferation of weapons of mass destruction:

- A. Take all possible steps to obtain the unconditional, indefinite extension of the Treaty on the Nonproliferation of Nuclear Weapons (NPT) at the conference of the parties scheduled for April-May 1995.

- B. Work to satisfy the NPT obligation of the five declared nuclear weapons states (the NWS) to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament." To this end, the United States Government should:
 - 1. pursue early completion of a comprehensive ban on nuclear testing, of indefinite duration;
 - 2. seek an agreement restricting the production of fissile material (highly enriched uranium and plutonium) for nuclear weapons;
 - 3. declare, as a matter of national policy, that nuclear weapons have no valid function except to deter, and possibly to respond to, a nuclear attack, and that the United States will not use nuclear weapons first; and seek similar declarations by other NWS;
 - 4. seek to achieve the ratification and implementation of START I and II by all parties as soon as possible;
 - 5. seek to establish an adequate system of verification and control over national procedures for the dismantlement of nuclear warheads, and over the disposition of surplus fissile material from dismantled warheads;
 - 6. pursue talks on further nuclear weapons reductions;
 - 7. develop and seek international discussion of plans for the eventual elimination of nuclear arms;
 - 8. seek agreement among the five NWS to grant comprehensive security assurances to all states renouncing nuclear weapons under the NPT or comparable internationally binding commitments (the non-nuclear-weapons states, or NNWS). Assurances should be both negative -- that the NWS will not use nuclear weapons against the NNWS -- and positive -- that the NWS will seek immediate Security Council action to assist and support a NNWS that is subject to attack or threats thereof;
 - 9. work for a stronger and more intrusive NPT safeguards system, administered by the International Atomic Energy Agency (IAEA); support current reforms of the IAEA; work to give the Agency the resources and political support it needs; and work to establish a

- Security Council procedure for promptly responding to refusals to permit IAEA inspections; and
10. work with other members of the Security Council to plan and implement "concrete steps to improve the effectiveness" of its enforcement procedures, as the members of the Council have already pledged to do, with special attention to enforcement of nonproliferation commitments.
- C. Pursue efforts to resolve regional disputes implicating weapons of mass destruction before the NPT extension conference; and, in the longer term, work to strengthen the ability of the United Nations and relevant regional organizations to resolve disputes and to make and keep peace.