

Back to Earth: Nuclear Weapons in the 2010s (ARI)

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Theme: Throughout 2009 it seemed that both nuclear non-proliferation and disarmament were going to make real, fast and lasting progress. Unfortunately, reality bit back and 2010 has shown scant progress in disarmament and not much success in non-proliferation.

Summary: Over the course of 2009 the US President Barack Obama announced his intention to seek “the peace and security of a world without nuclear weapons”, the ratification of the Comprehensive Test Ban Treaty, the reduction of US nuclear weapons in his Nuclear Posture Review (NPR) and the negotiation of a follow-on agreement on Strategic Arms Reductions with Russia. Negotiations with Iran and North Korea were a positive sign in the wake of the 2010 Nuclear Non-Proliferation Treaty Review Conference and NATO had appeared to reach a consensus on the withdrawal of nuclear weapons from European soil.

Nevertheless, the NPR was far more conservative than many had anticipated, the ‘new’ START agreement more timid than expected, NATO will remain a nuclear alliance, Tehran has continued enriching uranium and developing missile technologies, North Korea has scuttled the Six-Party talks and there are potential newcomers such as Burma and, meanwhile, Brazil, Egypt and South Africa have refused to adopt the International Atomic Energy Agency’s (IAEA) Additional Protocol, which would allow inspectors to ensure that no illicit nuclear activities are carried out.

This paper analyses all these expectations and realities over the course of 2009 and 2010 –both the lights and shadows–, the current situation and what should be done in view of the latest developments.

Analysis:

A Season of Hope: What a Difference a Year Makes

Throughout 2009 it seemed to many that both nuclear non-proliferation and disarmament were going to make real, fast and lasting progress. Following the public appeals by four US statesmen in 2007 and 2008 –matched by their equivalents in most major European countries–, Barack Obama had announced in Prague that he would seek “the peace and security of a world without nuclear weapons”. He had announced his intention to seek ratification of the Comprehensive Test Ban Treaty (CTBT), and had launched a Nuclear Posture Review (NPR) with the explicit goal to reduce the role and numbers of US nuclear weapons. After the new US Administration had decided to ‘push the reset button’ in its relationship with Moscow, the US and Russia engaged in the negotiation of a follow-on agreement to the Strategic Arms Reductions and Strategic Offensive Arms Reductions treaties (START-1, 1991, and SORT, 2002). The UK was eager to present itself as a

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champion of the cause of nuclear disarmament, Washington was making new overtures to Iran and there were hopes of resuming the Six-Party Talks to solve the North Korean nuclear crisis. At the Conference of Disarmament in Geneva, there was serious discussion of opening negotiations on a Fissile Material Cut-off Treaty (FMCT) and on occasion of a historical session chaired by Barack Obama on 24 September 2009, the UN Security Council unanimously had adopted the far-reaching resolution 1887(2009) that called upon the international community to implement a series of specific non-proliferation and disarmament measures.

In Europe, the debate foreseen by the author two years ago had finally opened.¹ NATO had formally decided to embark on the revision of the 1999 Strategic Concept. A 'Group of Experts' had been appointed under the stewardship of the former US Secretary of State Madeleine Albright to give food for thought to governments. The new German coalition government –under pressure from the Liberal Party leader and incoming Foreign Minister Guido Westerwelle– stated that Berlin would seek the withdrawal of US nuclear weapons from its territory. This encouraged other Alliance Foreign Ministers to call for the removal of US nuclear weapons from Europe and the process culminated with a letter from the Foreign Ministers of five countries, including two Alliance host nations (Belgium, Germany, Luxembourg the Netherlands and Norway), to write a letter to the NATO Secretary General in February calling for the removal of all US nuclear weapons from Europe on 26 February 2010.

It was expected that the year would thus see a sequence of key events which could have made it the Year of Nuclear Disarmament: the conclusion of a new Russian-American arms reduction treaty, the publication of the NPR, the Washington Nuclear Security Summit and the Nuclear Non-Proliferation Treaty (NPT) Review Conference.

Reality Bites Back

Unfortunately the hard reality of the real world then began to bite back. It came as no surprise to a seasoned observer that the US Nuclear Posture Review, published on 6 April 2010, was far more conservative than many had anticipated. This is generally what happens to Presidents and Prime Ministers who come into office with promises of far-reaching changes on issues as sensitive as defence policy –until the responsibilities of office and the fear of being portrayed as weak, make them alter their stance–.² The NPR did not really reduce the role of nuclear weapons: the new US declaratory policy fell well short of a no-first-use doctrine and only promise Non-Nuclear Weapons States in good standing of their obligations that US nuclear weapons would not be used against them. The triad of land-, air- and sea-based strategic launchers was maintained, and alert levels remained unchanged. No unilateral reduction of US nuclear weapons was announced and it was decided to rejuvenate the nuclear complex (in contrast, George W. Bush had slashed the total US arsenal by around 50% between 2001 and 2008). Washington has made it clear that it has a strong preference for bilateral, negotiated reductions.

¹ Bruno Tertrais (2008), 'The Coming NATO Nuclear Debate', ARI nr 117/2008, Real Instituto Elcano.

² The first sign that the US push towards disarmament was going to be limited came through a little-noticed article by the same four statesmen that had launched the whole debate: they argued in favor of increased funding for the US nuclear complex. See George P. Shultz, William J. Perry, Henry A. Kissinger and Sam Nunn, "How to Protect our Deterrent", The Wall Street Journal, 19 January 2010. They had understood that a consensual nuclear policy had to be balanced, and Barack Obama could not afford to appear "weak" on defense.

But the so-called 'New START' agreement, which succeeds START-1 and supersedes SORT, was unveiled on 26 March 26 and signed in Prague on 8 April and also proved to be a remarkably timid document. The treaty limits deployed strategic nuclear weapons to 1,550 –not exactly a bold disarmament move compared with the SORT ceiling of 1,700-2,200–. Moreover, it actually allows the parties to maintain as many weapons as SORT did, for each strategic bomber is counted as 'one nuclear weapon', even if it can carry 20 (which is the case, for instance, for B-52 bombers). Finally, like its predecessors, it does not deal with non-deployed strategic weapons and non-strategic weapons, and does not mandate the destruction of any retired weapon. A far cry from the 'Global Zero' initiative, the New START is not a nuclear disarmament treaty but an old-style arms limitation accord.

In NATO, conservatism has also struck back. In April, on occasion of the informal meeting of the Alliance's Foreign Ministers, Secretary of State Hillary Clinton made it clear that the US wants NATO to 'remain a nuclear alliance'.³ And the report by the NATO Group of Experts has expressed a preference for the continuation of the US nuclear presence on the continent.⁴ This new 'realist' US stance is supported both in France –which does not believe that more nuclear disarmament will necessarily bring more security– and the UK – whose new, conservative-led government has taken a more prudent approach to nuclear policy–.

Meanwhile, Pakistan and China are holding back the commencement of negotiations on a FMCT. Islamabad –quietly supported by Beijing– is not interested in negotiating a treaty that does not cover existing stockpiles, believing that it is at a disadvantage to India, its arch-enemy.

Finally, nuclear aspirants are showing no signs of turning back or moving away from seeking a nuclear capability. Iran has failed to answer positively to the Obama Administration's openings and incentives. In fact, as an EU official argued in May 2010 at a private meeting, 'the more we open the door, the more they close it'. Tehran has continued enriching uranium, has developed new missile technologies (solid-fuel two-stage ballistic missiles) and has probably resumed 'weaponisation' activities. Arguing that it needs to refuel the Tehran Research Reactor, and that the conditions proposed by the P5+1 were not satisfying, it has also started enriching to 20%, a move that would take it very close to the 90% needed for explosive purposes (the progression of uranium enrichment is not linear: enriching 20% uranium to 90% would be very fast). Furthermore, Tehran's explanation for enriching to 20% is not reassuring because the country does not have the technical ability and know-how required to make the specific fuel rods needed for the Tehran Research Reactor. North Korea, for its part, has scuttled the Six-Party talks after having been sanctioned by the UN Security Council for its April 2009 missile test. It has also announced that its uranium enrichment programme is now being 'completed'. And another possible newcomer on the nuclear scene has been identified: Burma is increasingly suspected of engaging in illicit nuclear activities –perhaps in cooperation with North Korea–. Meanwhile, key countries such as Brazil, Egypt and South Africa have refused to adopt the International Atomic Energy Agency's (IAEA) Additional Protocol, which would allow inspectors to ensure there are no illicit nuclear activities.

³ Mark Landler (2010), 'US Resists Push by Allies for Tactical Nuclear Cuts', *The Washington Post*, 22/IV/2010.

⁴ NATO (2010), 'Assured Security, Dynamic Engagement, Analysis and Recommendations of the Group of Experts on a New Strategic Concept for NATO', 17/V/2010.

Hence, there has been little progress in disarmament and little scant on non-proliferation. Is there a causal link between the two? Many governments and analysts claim that it is because of the lack of disarmament that proliferation continues. But this thesis lacks credibility.⁵ Progress on nuclear disarmament progress from the mid-1980s onwards did not slow down proliferation; the rollback of indigenous nuclear programmes was achieved through sanctions, military action or regime-change in the case of South Africa. Historically speaking, the relation may have worked the other way round: US-Soviet arms control began only after the NPT was signed. Proliferation is better explained by regional dynamics and the fear of Western conventional superiority than by the lack of nuclear disarmament.

The reality is that nuclear weapons retain their attractiveness, for reasons of either security or status. In Asia, military nuclear programmes are still expanding. The reasoning of countries such as China, India and Pakistan is the strategic equivalent of their thinking on climate change: 'you are asking us to reduce, but we have yet to reach the capability that we need'. Emerging countries such as Egypt and Brazil claim that they cannot accept additional constraints on their nuclear programmes in the absence of nuclear disarmament; but this might be a convenient excuse for developing 'nuclear hedging' capabilities. And in Russia nuclear weapons continue to be considered a key instrument of political and military power –as shown by its new defence doctrine, unveiled in January 2010–.

It is not because disarmament is slow that non-proliferation is difficult. It is because perceived nuclear (and other) threats still exist, and may be growing, that nuclear disarmament is difficult. Additionally, there are domestic factors at play. In many nuclear-capable countries, political constraints prevent governments from slowing down or giving up their nuclear programmes. The fear of appearing weak and the need to take into account domestic factors exist everywhere. It is well-known that the US Congress is a powerful force in foreign policy and defence: in the post-Cold War context no US President has been willing to force Congress's hand on an issue on which there are no serious political gains to be made and only political costs to be borne (for instance, any serious further reduction in US and Russian arsenals would be conditional on bowing to Moscow's demands for limitations on missile defence and precision conventional weapons –a 'no-go' for a majority of congressmen and senators). The only nuclear issue that the American public cares about is the risk of nuclear terrorism, and that was 'dealt with' through the Washington Nuclear Security Summit, which is to have a follow-on in 2012.

The stalemate in non-proliferation and disarmament was reflected by the outcome of the May 2010 NPT Review Conference. While a final document was unanimously adopted – which for the first time included 'action plans' on the three pillars of the Treaty, namely disarmament, non-proliferation and peaceful uses– it did not include any new significant measure.⁶ Here, again, the comparison with climate negotiations might be useful: as in Copenhagen, the limits of multilateralism by consensus when key issues are at stake were made clear in New York.

What will Happen Now?

⁵ For more on this issue see Bruno Tertrais (2010), 'The Illogic of Zero', *The Washington Quarterly*, vol. 33, nr 2, Spring.

⁶ '2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document', NPT/CONF.2010/50, vol. I.

Where do we go from here? Let's face it: the prospects are very bleak for persuading Iran and North Korea to give up their military nuclear activities. There is no reason why Pyongyang should give up its nascent capability. It is the ultimate life insurance for one of the most despicable regimes on earth. And if history is any guide, Iran will eventually cross the threshold. No country that has invested so much in a military option has ever refrained from continuing. This will lead other countries in the region to adopt 'hedging' strategies, and perhaps also to go nuclear themselves. Egypt, in particular, should be a cause for concern: it has both security and status reasons to become a potential nuclear country, and has much of the technical expertise needed to do so. If Cairo were to go in that direction, another country of particular concern to Europe should then be closely monitored, Algeria, which could hardly see Egypt become nuclear without reacting and which has had suspect nuclear activities in the past (both Egypt and Algeria refuse to implement the Additional Protocol: Algiers signed it in 2004 but has yet to ratify it). But the risk of a proliferation cascade would not be limited to the Middle East. The collapse –or at least the delegitimation– of the NPT that would result from an Iranian bomb would reverberate as far as East Asia. Japan, for instance, believes it faces an increased nuclear threat from both North Korea and China and it may be tempted to follow suit.

The prospects for new legal instruments to stem proliferation and go forward on disarmament are equally bleak. The 2010 NPT Review Conference showed that most Non-Aligned Movement Countries are reluctant to adopt the IAEA's Additional Protocol. Though claiming that it is for them a matter of principle (because of the lack of progress in disarmament, or to protect commercial secrets), the fact is that some of the most vocal critics of the Additional Protocol are countries which have the capability and potentially the will to become nuclear-capable.

While at the time of writing (June 2010) the ratification of the New START by Washington and Moscow in the autumn or winter of 2010 seems more plausible than not, it is also clear that no follow-on agreement will be possible in the near future. To the surprise of some US negotiators, Moscow proved to be a very difficult partner in the negotiating process, and made it clear that any future agreement would have to take into account missile defence and long-range precision conventional weapons. And the US Senate – where Democrats do not have the required two-thirds majority needed to ratify treaties– remains vigilant as to whatever deal would be perceived as weakening American security. For these two reasons it is extraordinarily unlikely that another nuclear arms control deal will be concluded soon. The cautious approach of the US Senate is an additional reason why it is not even certain that, despite the Administration's avowed intention, the CTBT will be ratified by the US before 2012. Finally, there is little chance for the FMCT negotiations to be initiated as long as Pakistan remains unsatisfied with the size of its fissile material stockpile.

In this context, what is likely to be the future of US nuclear weapons in Europe? Washington's aim is that their fate should not be determined unilaterally. One of the NPR's decisions was to fund the nuclear capability of the F-35 fighter-bomber, thus allowing allies who buy the aircraft to carry on with the nuclear-sharing arrangements. The US has also made it clear, as stated above, that it wants NATO to remain a nuclear alliance. What this means in practice for the Alliance is that the B-61 gravity bombs will not be unilaterally withdrawn, and that NATO will open a collective internal debate on nuclear policy –conduct its own nuclear posture review, so to say–. In this regard, the evolution of the domestic political landscape in European countries such as Germany, the Netherlands and the UK will be key here, since the demand for change in nuclear policy

generally comes from junior coalition partners. The adoption of a new Strategic Concept at the Lisbon Summit scheduled for late November 2010 will be a step in that direction, but will not be the end of the debate.

Conclusion

What Should be Done?

In light of these new developments, what should the international community and the Atlantic Alliance in particular seek to accomplish in terms of non-proliferation and disarmament in the current decade? The first recommendation borders on the obvious: implement what already exists. Many tools already exist that if effectively applied would go a long way to reducing nuclear danger. UN Security Council Resolution 1887 now provides for the best possible summary of nuclear priorities, coming from the highest international authority. Other key texts, such as the final document of the 2010 NPT Review Conference, as well as the communiqué issued on occasion of the Washington Nuclear Security Summit, also contain key consensual decisions and recommendations.

Stemming nuclear proliferation requires working both on the supply and the demand sides. If the international community fails to stop Iran and North Korea in their drive for nuclear weapons, the two countries must at least be prevented through surveillance, containment and coercion if necessary, from exporting nuclear technologies and materials. To avoid a cascade of proliferation, stronger and country-specific security guarantees backed by missile defence might go a long way to reassure Western friends and allies. In the longer run, to counter the temptation of going nuclear for reasons of status, a serious reform of the UN Security Council might be needed (the main credible contenders for a permanent seat at the Council all have or are developing enrichment capabilities and this might not be a coincidence).

Nuclear disarmament will not go forward if governments do not believe that it is in their interest to disarm. It is pointless to believe that political pressuring will succeed in having them rid themselves of their weapons. When fundamental security and sovereignty issues are at stake, governments tend to be almost immune to mere political pressure. But the creation of a subsidiary body dealing with nuclear disarmament at the Conference of Disarmament –which was decided at the NPT Review Conference– should be an opportunity to embark on a frank conversation about the conditions for the abolition of nuclear weapons.

What about NATO? The Atlantic Alliance is torn between two different trends. Some want to de-legitimise nuclear weapons for disarmament and non-proliferation purposes, and to increasingly rely on conventional deterrence as well as missile defence. Others claim that nuclear proliferation trends and an increased Russian reliance on non-strategic nuclear weapons, as well as the unique value of nuclear weapons for risk and responsibility sharing, should lead to maintaining and modernising NATO's collective nuclear deterrent.

The Strategic Concept should, of course, take into account the changes in the strategic environment since 1999, as well as the coming deployment of missile defence. Some transparency about numbers would be useful in order to encourage Russia to do the same. But NATO should postpone any major decision regarding the US nuclear presence in Europe until 2012, before the end of the service life of European nuclear-capable fighter-bombers. At that time, it should consider a new 'dual-track decision': negotiate with Russia if there is an opportunity to so in a manner that reinforces collective security, but

agree to modernise (through common funding) if the attempt to negotiate with Moscow fails. The nuclear situation in the Middle East at that time should obviously be a key parameter also.

Meanwhile, interested European countries should embark on their own dialogue on the future of nuclear deterrence. It would be paradoxical for one of the most critical issues of our time to be absent from the political and strategic debate within the EU, an entity that aims to be one of the future power players in tomorrow's world.

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