



Redefining the Non-Proliferation Norm

PR Chari
Director, IPCS

The brouhaha over the non-discovery of weapons of mass destruction in Iraq is dying down after having served a useful purpose in justifying the U.S. invasion of that country. Unsurprisingly, no Weapons of Mass Destruction (WMDs) were discovered in Iraq; this would have been a miracle since it had been subjected to intense UNSCOM inspection for almost a decade. North Korea's nuclear ambitions are currently being sought to be bridled. In end-August the United States joined North Korea and four other nations; China, Russia, Japan and South Korea--in talks to contain the North Korean nuclear threat. These negotiations accomplished little beyond an agreement for the six nations to meet again in the next two month, although no venue or time has been fixed. North Korea, however, used the opportunity to threaten that it would establish its nuclear credentials by carrying out a test. Iran is next in the line of fire with IAEA inspections getting more stringent and its Board of Governors scheduled to review Iran's adherence to its NPT obligations in September.

The Bush administration has thus sewn up action against its "states of concern", nations perceived by the U.S. as "rogue" states armed with WMDs, to achieve its traditional non-proliferation agenda. It should be rationalized that the United States is only holding Iraq, North Korea and Iran to their NPT commitments. Article II of that Treaty enjoined non-nuclear-weapon State Parties "not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices." The evidence regarding infractions of their NPT commitments by Iraq, North Korea and Iran may not be

conclusive, but there is little doubt that their nuclear programmes were/are being pursued in a military nuclear direction. But there is unequivocal evidence that they were/ are being assisted by external nuclear capable powers to develop these programmes. They have also been assisting each other in this regard.

Thus Iraq received technical assistance from a large number of developed countries, even if the transfer of uranium cake to it from Niger, trumpeted by the Bush-Blair combine to their embarrassment remains unproven. China's efforts to enable Pakistan and North Korea to acquire nuclear capabilities are well documented; the mutual cooperation between Pakistan and North Korea to exchange uranium enrichment technology for missiles is in no doubt; and the cooperative efforts between Iran and North Korea to develop nuclear warheads and Taepodong-2 nuclear-capable missiles (range over 6000 miles) has figured in the American and Japanese media. It could therefore be argued that the Bush administration is only enforcing the tenets of the non-proliferation regime, whose prominent pillars are adherence to the Nuclear Nonproliferation Treaty and the IAEA regulations.

The problem with this straightforward analysis is that it also highlights the problem of the United States and other nuclear weapon powers not adhering by their NPT obligations. Two provisions of that Treaty are relevant here.

- First, Article I requires nuclear-weapon State Parties not to "assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices." The record of clandestine American and French assistance to

Israel to assist its acquisition of nuclear capabilities has become quite transparent over the years. So is the determined blind eye turned by the United States towards Pakistan's single-minded efforts to acquire nuclear capabilities by surreptitious routes. Iraq was helped in the Iran-Iraq war when it suited American interests to use it against Iran; indeed Iraq's use of nerve agents in the infamous Halabja incident raised no anger or protest in the United States. The short point being made here is that past U.S. non-proliferation policy in dealing with nuclear aspirants has been guided by political considerations, which keep changing with the passage of time. A tension has always existed between the US's non-proliferation and regional concerns. The policy, therefore, has never been absolute, but contextual. Hence, U.S. non-proliferation policy has amounted to a selective proliferation policy and its present focus on its "states of concern" lacks credibility, but also the logical consistency to commend universal acceptance.

- Second, a reference to the much-cited but persistently ignored Article VI of the NPT must be made here; it enjoins the States Parties to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control." This wholesome provision embodies the balance of obligations between the nuclear-haves and nuclear-have-nots negotiated in the NPT, but this injunction has only been observed in the breach by the nuclear weapon states. There are unlikely to either negotiate a cessation of the nuclear arms race or move towards nuclear

The evidence regarding infractions of their NPT commitments by Iraq, North Korea and Iran may not be conclusive, but there is little doubt that their nuclear programmes were/are being pursued in a military nuclear direction

disarmament or erode the role of nuclear weapons in the global security system, despite the security rationale for possessing nuclear weapons having greatly eroded after the end of the Cold War.

On the contrary, the Bush administration has taken several retrograde steps to damage the structure of arms control. It has abrogated the ABM Treaty, weakened the Chemical Weapons Convention, sabotaged the negotiations on evolving a Verification Protocol for the Biological and Toxin Weapons Convention and taken several unilateral steps to emphasize its disdain for multilateralism in international relations except on its own terms, like expecting international cooperation in its war against terror. Naturally, this lack of logical consistency is unlikely to be credible or gain acceptance in an egalitarian and globalizing world. Furthermore, the U.S. has clearly demonstrated that it does not feel bound by the constraints of the non-proliferation regime, although it wishes to impose its discipline on other countries. A milieu that is propitious for nuclear proliferation, not non-proliferation, has thus been created.

The list of nuclear aspirants is long. Apart from the "states of concern", Saudi Arabia, Egypt, Syria, Algeria and Turkey in the Arab world, and Taiwan, South Korea and Japan in Northeast Asia are nursing nuclear ambitions. They would be further spurred by nuclear weapon developments in the United States that mock Article VI of the NPT. These developments relate to the Bush administration's plans to develop a new generation of nuclear weapons, which has been embodied in its January 2002 Nuclear Posture Review. Specifically, they relate to the deployment of mini-nukes (sub-kiloton nuclear weapons to achieve tactical or battlefield tasks). Mini-nukes would seem to be ready for deployment at short notice, although efforts are proceeding towards their further refinement. A new class of "bunker-busters" earth-penetrating nuclear weapons, are also being designed to destroy underground nuclear facilities to shelter command centres, storage depots and the like that could be constructed by the "states of concern." The weapons labs are already working on advanced warhead concepts, and it is possible that, if field-testing of these devices becomes imperative, the United States might

withdraw from the CTBT on grounds of supreme national interests.

The problem with “bunker-busters” is that they would be no different from other fission devices in the arsenal, and would generate considerable radioactive fallout if ever used. There are several other objections one could raise against the Bush administration’s determination to refine its nuclear arsenal for operational and war-fighting purposes.

- First, these weapons choices will deal a death-blow to the NPT. Protagonists of “mini-nukes” and “bunker-busters” have argued that Article VI is an anodyne, never meant to be taken seriously. Indeed, the argument proceeds that the NPT was negotiated as a confidence-building measure to rein in Germany, Japan and other developed countries from going nuclear. The Treaty’s ineffectiveness, moreover, to achieve non-proliferation has been amply proven by its inability to prevent its adherents from cheating, which must include both nuclear-weapon and non-nuclear-weapon powers. This argument leads on to the logic that the NPT is irrelevant for the United States, but this must seriously call into question its desire to prevent other aspirant countries from exercising their nuclear option.
- Second, the real danger that arises from “conventionalizing” nuclear weapons belonging to the genre of “mini-nukes” and “bunker-busters” is that it confuses the difference traditionally recognized between nuclear and conventional weapons. By manufacturing and deploying these nuclear weapons ostensibly for battlefield tasks two bad precedents would be set. Firstly, nuclear conflict would be made more thinkable, strengthening beliefs that limited nuclear war is possible, and that nuclear weapons can be contemplated for use and not merely deterrence. Secondly, if such weapons are required by the U.S. for meeting special tactical and strategic objectives like preemptive strikes, it would be difficult to argue against other countries seeking them also for their defence and deterrent purposes.
- Third, it is not clear why nuclear weapons are needed by the United States to perform operational tasks that can be accomplished by conventional weapons. “Daisy cutters” and

multi-barrelled rocket launchers can serve as area weapons against designated targets. Should targets happen to be underground facilities they could be attacked with “high temperature thermo-baric” weapons. Or, more simply, their entry and exit points could be sealed off by precision strikes using laser-guided air-to-ground missiles. The obsession with using nuclear weapons for these tasks suggests that the agenda of the weapon labs is being advanced in this manner.

The Treaty’s ineffectiveness, moreover, to achieve non-proliferation has been amply proven by its inability to prevent its adherents from cheating, which must include both nuclear-weapon and non-nuclear-weapon powers.

Fourth, all military operational plans envisage the destruction of the adversary’s command centres to paralyze its control over its armed forces, and disrupt its operational plans. This is an unexceptional military objective. But these are not the only critical targets. It is arguable that the same end could be achieved by disrupting the adversary’s communication systems that would be as efficacious as destroying its command centre. Moreover, destroying the miniscule nuclear forces and delivery systems available to the “states of concern” with its high tech conventional weapons should not prove very difficult for the United States, which further questions the need for “mini-nukes” and “bunker-busters.”

The short argument can be made here that the manufacture and deployment of a new genre of nuclear weapons by the Bush administration would grievously wound the non-proliferation regime by restoring, not devaluing, the mystique of nuclear weapons. It would also become difficult for the United States to justify its concern with rogue states acquiring WMDs, while continuing to possess and refine its own nuclear weapons to serve dubious strategic purposes. Over the longer time-frame this would, ironically enough, adversely affect its objective to prevent the spread of nuclear weapons.

What should India be doing to anticipate these developments that presage a more proliferated world? India is well positioned to urge the United States to reconsider its nuclear armament and proliferation policies using its own restraint in not deploying its nuclear weapons, dedication to a no-first-use policy, and self-imposition of a moratorium on further nuclear testing, as the bargaining chip. Beyond that, however, it would be circumspect to revisit its own nuclear doctrine. Its dedication to a no-first-use policy has already been whittled down to exclude attacks upon its territory and armed forces with chemical and biological weapons. Should this now be rescinded to meet the new threats that could emanate from a proliferating world? Should the decision to deploy nuclear weapons be reviewed? Should the moratorium on nuclear tests be reconsidered to develop a new range of warheads and longer-range missiles? A debate on these questions is called for, lest answers to them need to be sought under the pressure of events.



**INSTITUTE OF PEACE
AND
CONFLICT STUDIES**

B 7/3 Safdarjung Enclave,
New Delhi 110029 INDIA