

Harald Müller/Annette Schaper

# US Nuclear Policy after the Cold War

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Translation: Catherine Mulder

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Correspondence to:

HSFK • Leimenrode 29 • 60322 Frankfurt  
Telephone: (069) 959104-0 • Fax: (069) 558481  
E-Mail: mueller@hsfk.de • schaper@hsfk.de  
Internet: <http://www.prif.org>

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## Summary

The relationship between democracy and nuclear weapons is extremely ambivalent. On the one hand, in the theory of democratic peace, democracies are regarded as afraid of risk and cost-conscious: their citizens strive to avoid the threat which brings with it the war for life, limb and property. Their orientation around welfare, moreover, causes them to limit the burden of armament costs and defence expenditure to what is necessary to safeguard the existence of the nation-state. We would expect from that that democracies implement arms control as a preferred instrument of their security policy. On the other hand, nuclear weapons – in the form of deterrence – promise to end war once and for all. This makes them attractive to war-shy democracies as an instrument for preventing war. The situation becomes more complicated when you consider the value patterns of democratic societies. In these patterns, human life and human dignity are given high priority; nuclear weapons are weapons of mass destruction and genocide and should therefore meet with disapproval among citizens. We would expect the result of these inconsistent impulses to be such that democracies would be in favour of nuclear deterrence, but, instead they suffer from the dilemma of the noble objective of avoiding war, on the one hand, and the genocidal character of the weapons, on the other. It would appear, therefore, that democracies are concerned about keeping the number and degree of readiness of these weapons to a minimum and being open to opportunities to disarm altogether, should alternative paths of guaranteeing national security present themselves.

The end of the Cold War supplied an interesting opportunity to test these assumptions. Nuclear weapons appeared to be indispensable, as long as a powerful, undemocratic, scrupulous and opportunistic-expansive super power without any inclination to be open and transparent, the Soviet Union, had to be kept in check. The fall of the Soviet Union, therefore, opened up new, incalculable chances for the leading democracy, the United States, to reconsider its relationship with nuclear weapons.

Recognition of these new opportunities was only slow to grow in the first Bush government. Nuclear planning was executed as before, oriented towards a super power, whose military – especially nuclear – equipment was to be deemed vulnerable in the face of American nuclear weapons. This strategy was continued even when the first breakthrough in arms control, the INF Treaty, came to fruition; nor was it abandoned when both sides negotiated and concluded the START treaties and clearly reduced tactical nuclear weapons on the basis of unilateral, yet parallel political declarations. The government revived nuclear non-proliferation which until the Gulf War had remained neglected in the wings. At the end of its term in office, the government declared a nuclear test moratorium, after which she put up a strong fight against the proposed conclusion of a Comprehensive Test Ban Treaty. Early plans for the broad modernisation of the nuclear weapons arsenal were also abandoned as was the deployment of a new short-range weapon in Europe. The structure of the American nuclear forces remained, however, intact like the strategy. The first Bush government considered employing nuclear weapons as deterrence, pre-emption, warfare and retaliation against states possessing weapons of mass destruction. This debate began to find its way into strategic planning.

The Clinton government's hopeful, multilateral start gave way to growing signs of unilateralism. However, this government never completely gave up arms control and multilateralism. It reinforced the efforts of the "Cooperative Threat Reduction Program" that aimed to help Russia and other successor states to deal safely with their dangerous inheritance of Soviet weapons of mass destruction. The Clinton government led an energetic campaign to obtain the unlimited extension of the Non-Proliferation Treaty and successfully concluded negotiations on the Test Ban Treaty. Yet, the Senate refused to consent to ratify this treaty, which was attributed not least to the half-hearted advertising attempts of the administration. Under Clinton, the USA worked hard at increasing the transparency in the nuclear sector, and achieved temporary agreement with Russia to reduce the strategic arsenals still further. At the same time, the nuclear bureaucracy extended the traditional philosophy, strategy and weapons structure of the nuclear sector in the "Nuclear Posture Review". "Counterproliferation", i.e., military options versus weapons of mass destruction and missiles of "rogue states", was officially part of the Pentagon's strategy; nuclear planners also contemplated the option of first strike against these "new enemies". The violent removal of the Iraqi regime was discussed inside and outside the administration.

From this, it emerges that the second President Bush is not inventing the wheel as he steps along his unilateral path of security policy. In fact, he is concluding a development more than a decade old. September 11<sup>th</sup> likewise changed nothing in Bush's nuclear strategy. The "hawks" in the government pursued their old objectives only with greater determination; this is where the difference between "before" and "after" lies. The security strategy of the Bush government is based on absolute military superiority. As the new Nuclear Posture Review reveals, this refers firstly to a smaller arsenal of active and operational nuclear weapons, and secondly to a reserve of several thousand warheads, enabling rapid development into a "Cold War" arsenal. In so doing, the administration is aiming to maintain complete freedom of action.

For this reason, the Bush government is against legally binding disarmament treaties. Its concession, to conclude the SORT Treaty, reflects this position in a subtle way. The treaty is aimed at a reduction in the active, operational, strategic arsenals of 2,500 warheads by 2012. The reserves are not affected by the reductions, the nature of the implementation is open, short-term termination of the treaty is permitted; the treaty ends on the date in which it is fulfilled, after which the parties are free to rebuild their arsenals.

Bush also announced the ABM Treaty and set about building the first elements of a missile defence system. The administration claims to have the right to make pre-emptive and preventative military strikes against states with weapons of mass destruction and is preparing her troops for such missions. This could involve the use of nuclear weapons, should their employment be considered necessary to destroy the enemy's underground command facilities or weapons of mass destruction. The administration is examining whether new nuclear weapons, the effects of which would be optimised for the job, are needed for this purpose. The research and development structure for such planning is being manufactured in laboratories. Bush's security policy has almost no place for multilateral arms control and non-proliferation.

A look back at the last fourteen years shows a number of telling patterns. There was a steady reduction in the number of deployed nuclear weapons. The structure of the armed forces in the nuclear sector has, on the other hand, remained the same. It's true that the list of objectives in Russia no longer determines the permanently applicable objective planning; this is now flexible and adaptable to the security situation at the time. The operational arsenal would nevertheless cover the objectives of an attack directed against Russia's strategic forces. The supposed democratic preference for minimal deterrent arsenals determined the direction but not the substance of the study. The arsenal, available for the next decade, is clearly bigger, by far more operational and expandable, than numerous non-government experts had recommended and Russian partners had suggested. Clearly, the political and bureaucratic preferences which have determined American nuclear policy in the last fourteen years do not match the model of nuclear policy which we have derived from the axioms of "democratic peace". This also applies to the negative trend of arms control, which started promisingly but which stagnated in the mid-1990's despite the best framework conditions. Today, we are facing the new position of a nuclear-armed, pre-emptive, unilateralist, democratic philosophy of superiority, in no way the minimalist, multilateral concept of cooperative security which we expected.

Yet, democracy plays the role of supporting the argument of the policy, admittedly in a quite unexpected way. The characteristic traits of the rival or enemy, be it the Soviet Union, a Russia which in future returns to totalitarianism, the new competitor China or the "rogue states" – were each described, in the context of nuclear strategy, as the opposite of democracy. It's the evil on the other side which justifies the use of reprehensible instruments, so as to thwart it. While the supposed enemy has changed on a few occasions and the emphasis on who the main enemy is has also varied, the basic pattern remains – an enemy exists and is totalitarian and therefore dangerous and not trustworthy – a constant in the structure of American nuclear weapons policy.

The public debate played a limited and, during the period of study, a diminishing role. If it threatened to make its presence felt, it was closed off, as in the Nuclear Posture Review in 1994 or during the Senate resolution on the Test Ban Treaty in 1999. The impressive work of American arms control and disarmament experts on the decline in the importance of nuclear weapons, their reduction or even complete abolition remained confined to the circle of experts and failed to reach the general public. The latter lost interest after the end of the East-West conflict removed the danger of a potential nuclear Armageddon. The protectors of the nuclear complex successfully preserved their prerogative and even gradually expanded the missions of nuclear weapons (contrary to public impression). Today, nuclear weapons represent an option in the pre-emption strategy and preparations to develop new nuclear weapon types are under way. In the absence of a lively public debate, the deterrent side is gaining acceptance in the relationship between democracy and nuclear weapons. The arms control side was only successful at the start, then it stagnated, only to disappear altogether. In addition, the nuclear establishment perceives no contradiction between democratic values and the murderous character of the deterrent apparatus.

The consequence is thus clear: in order for the nuclear-critical side to make its presence felt, democracy must also function in the nuclear sector. It requires an interested and attentive public to limit the momentum of the nuclear sector and critically questions the development of security paradigms. Such a critical public has not existed in American development for the last ten years. It could revive the debate on the Iraq War.

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## 1. Democracy, Nuclear Weapons and Disarmament: Expectations

What do we expect from democracies in the way in which they deal with nuclear weapons and their efforts to bring them under control, reduce their numbers, limit their role in security policy and ultimately scrap them altogether? The question is not easy to answer.<sup>1</sup> Democracies are predominantly welfare-oriented and are averse to risky arms encounters. A wide variety of demands from society and groups representing their interests compete for scarce public resources. This sets limits on arms investment, and contrary to popular opinion, nuclear weapons are not cheap, in fact, together with all the ancillary and consequential costs, they are extremely expensive.<sup>2</sup> Nuclear weapons also seriously increase the risk of entering into armed conflict. Inasmuch as disarmament offers a chance to reduce this risk to a notable extent, it should have a place on democracies' agenda of security interests.

On the other hand, the nuclear deterrent theory promises the end of all wars; such a hope has also combined with other supposed revolutions in military history, but was never so emphatically well-founded as what could be possible in terms of weapons when nuclear fission and fusion were discovered.<sup>3</sup> The supposed guarantee of peace entrenched in nuclear weapons contradicts the desire of democracies to reduce risk and avoid war. The British and, even more so, the French philosophy of deterrence perhaps reflects this basic desire which has been translated into a policy of deterrence among the nuclear weapon states this the clearest.<sup>4</sup>

The picture becomes even more complicated when the human factor which forms the basis of the democratic community is added. Human dignity and human life are valued extremely highly. They play a major part in shaping the structure of democratic constitutions and have increasingly characterised the attitude of democratic societies to war. If at the beginning of the last century the sacrifice of soldiers was seen as an inevitable part of achieving military victory even by democracies, the expectation of fatalities among one's own troops represents an important criterion today when weighing up the for's and against's; in fact, the killing of civilians on the enemy side, even the enemy soldiers, is increasingly being considered an evil to be avoided if at all possible.<sup>5</sup>

1 The following considerations are based on the same considerations connected with Immanuel Kant which lie at the basis of the theory of the peacefulness of democracies. Cf. Michael W. Doyle, *Ways of War and Peace. Realism, Liberalism, and Socialism*, New York/London (W.W. Norton), 1997.

2 Stephen I. Schwartz (ed.), *Atomic Audit. The Costs and Consequences of U.S. Nuclear Weapons since 1940*, Washington, D.C. (Brookings) 1998.

3 Bernard Brodie, *The Absolute Weapon: Atomic Power and World Order*, New York 1946; Scott Sagan/Kenneth Waltz, *The Spread of Nuclear Weapons. A Debate*, New York, Norton 1995; Michael Quinlan, *Thinking About Nuclear Weapons*, London (RUSI) 1997.

4 Simone Wisotzki, *Die Nuklearwaffenpolitik Großbritanniens und Frankreichs. Eine konstruktivistische Analyse*, Frankfurt/M. (Campus ) 2002.

5 Eric V. Larson, *Casualties and Consensus*, Santa Monica (RAND) 1996.

This leads to an obvious dilemma: the employment of nuclear weapons has the potential of committing mass murder. By nature, they are indiscriminate and injure civilians as well as troops. It is part of the essence of existential deterrence, to bring about peace to a certain extent with the threat of the targeted mass destruction of civilians on the other side – all refinement of nuclear strategies in increasingly differentiated flexible options has done nothing to change this brutal fact.<sup>6</sup> For this very reason, in its 1996 groundbreaking report, the International Court of Justice declared the use of nuclear weapons in almost all circumstances to be contrary to international law and only in the case of an existential threat to nation and people, was the loophole of a non-decision allowed.<sup>7</sup> Mass murder and the democratic system of values are just as irreconcilable as the destruction of one's own people through nuclear retaliation by the enemy and the democratic unwillingness to take risks. A link is thus arduously forged through the believed promise that deterrence prevents war in all circumstances. The paradox lies in the fact that the best protection of human life and human dignity through lasting peace is owed to an instrument of mass murder and the hope of possessing one but not having to use it.

Democracy and nuclear weapons find themselves in this respect in an irrevocable state of tension. We can therefore expect democracies to want to keep their own nuclear arsenal to the lowest possible level and develop a strictly defensive doctrine, so that deterrence guarantees that the detrimental and therefore harmful impact on international coexistence is minimised. Democracies should also be prepared to exploit the chances offered by checking the proliferation nuclear weapons through arms control without hesitation. They should also be prepared to follow the path to complete elimination of these weapons, especially if promising alternatives arise for safeguarding their security. If complete nuclear disarmament is out of the question, we should at least expect them to create the conditions under which the disarmament process can move forward.<sup>8</sup>

During the East-West conflict, it was admittedly difficult to realise this ideal of democratic nuclear policy in political practice. In the face of an enemy, whose structural intransparency and occasional opportunistic attempts at expansion encouraged worst-case thinking rather than the abandonment of deterrence, a decisive and courageous disarmament policy could hardly be pursued. However, the fact that at least tentative steps were taken towards nuclear arms control – mainly on the initiative of the United States and her allies

6 Lawrence Freedman, *The Evolution of Nuclear Strategy*, 2. ed., Basingstoke (Macmillan) 1989.

7 International Court of Justice, Year 1996, General List No. 958, Juli 1996, *Legality of the Threat or Use of Nuclear Weapons*.

8 Harald Müller, *Nuclear Disarmament: The Case for Incrementalism*, in: John Baylis/Robert O'Neill (eds.), *Alternative Nuclear Futures. The Role of Nuclear Weapons in the Post-Cold War World*, Oxford/New York (Oxford University Press) 2000, pp. 125-143; with Katja Frank/Alexander Kelle/Sylvia Meier/Annette Schaper, *Nukleare Abrüstung - Mit welcher Perspektive? Der internationale Diskurs über die nukleare Rüstungskontrolle und die Vision einer kernwaffenfreien Welt*. Frankfurt (HSFK-Report No. 8) 1996.

<sup>9</sup> – could be interpreted as an indication of the immense pressure on democracies to contemplate deterrence only with its enclosure and the prospect of disarmament.

Whether such an interpretation is plausible can only be clarified by looking at political practice at and after the end of the East-West conflict, since this development gave rise to hitherto unavailable opportunities, to realise the "disarmament side" of the democratic relationship with nuclear weapons. The different aspects of the change afforded chances of a crucial change in nuclear policy that had not existed before: the end of the enmity, the discovery of common interests and the material inability of the Soviet Union's successor state, the Russian Federation, to represent any kind of serious military threat. In addition to that, Moscow was also prepared to negotiate on arms control and disarmament in its entirety and open up the country to an unprecedented level of transparency and verification.

The United States found herself in an historically new situation. She had ended the East-West conflict in an undisputed and assured position of superiority. This was owing first and foremost, of course, to her military potential, which was not even closely rivalled by any other power. But her other resources of power - secret service capabilities, diplomatic resources, economic potential, political stability, science and technology, education, media and cultural influence, even raw materials and agricultural self-sufficiency – also placed the United States at the top, or in any case, among the top of the international field. Free from serious, direct security threats, Washington was open to an undreamt-of freedom of structure. It could have taken shape in a wide variety of forms; blueprints for totally opposing political paths were submitted and over the years developed, from the resolute unilateralism of absolute superiority<sup>10</sup> to the consistent multilateralism of cooperative security policy.<sup>11</sup> The international power relations revealed only the possibilities, but did not dictate the choice of a particular strategy. It would therefore be a real mistake to judge nuclear policy of the 1990's as the consequence of American superiority. It is more like the result of a series of decisions made from equally possible choices. We are therefore referring to the *internal American* strategy debates and their supporters. The structure of the international system provides us with only information on the range of options, not their selection.

Our question is, therefore, whether these decisions confirm the above-developed assumption of the way democracies prefer to deal with nuclear weapons. If so, we should be able to determine dramatic changes in the 1990's, in the *scope*, – i.e., carrier systems and

9 Jozef Goldblat, *Arms Control: A guide to Negotiations and Agreements*, London (Sage) 1994; Stuart Croft, *Strategies of arms control : a history and typology*. – Manchester (et al.) (Manchester Univ. Press), 1996.

10 Samuel P. Huntington, *Why International Primacy Matters*, *International Security*, Vol. 17, No. 4, Spring 1993, pp. 71-81; Charles Krauthammer, *The Unipolar Moment*, *Foreign Affairs*, Vol. 70, No. 1, 1990/1991.

11 Joseph S. Nye, *Bound to Lead. The Changing Nature of American Power*, New York 1990; *ibid*, *The Paradox of American Power: Why the World's Only Superpower Can't Go It Alone*. New York/Oxford 2002; Janne E. Nolan (ed.), *Global Engagement. Cooperation and Security in the 21. Century*, Washington, D.C. (Brookings) 1994.

warheads – and in the *structure*, – i.e., the composition of the arsenal from the triad of bombers, intercontinental ballistic missiles and submarine missiles on the one hand, and the tactical nuclear weapons on the other. We would expect a transition in the *determination of purpose* of the American nuclear forces, i.e., in their role as a deterrence and leaders of conventional, unconventional and nuclear wars. The United States should then have defined arms control as a priority instrument in cooperative security, taken the opportunities to reduce her nuclear potential as much as possible and gradually changed the function of the nuclear weapons in the direction of defensive "existential deterrence" for her own security. On the other hand, if the nuclear policy of the East-West conflict is found to have been more or less continued, the expectation derived from democracy theory will be disappointing. The same applies, of course, to change, which has accentuated rather than weakened the function of nuclear weapons.

The following study is limited to an analysis of the considerations and debates of the executive, who are the basic supporters of the nuclear policy. We will look at the administration of the first President Bush, the two Clinton administrations and the present American government, the stages in nuclear strategy, the structure of the American nuclear arsenal and nuclear arms control, each against the backdrop of her more general global ideas. The decisive criterion that we raise is the relationship between continuity and change.

## 2. The Nuclear Policy of the first Bush Administration

### 2.1 Foreign policy and security policy guidelines

The government of George Bush Senior took office in Anno Mirabile 1989: Gorbachov had by this time permitted binding, on-site manoeuvre observations for the first time (1986), accepted vastly unequal arms reductions in the INF Treaty to the disadvantage of the Soviet Union as well as an extensive system of inspections (1987). Troops had begun to withdraw from Afghanistan, concessions in the area of conventional arms control had been offered. In the Soviet Union the general public held an unprecedented range of opinion, still a long way from the freedom of opinion enjoyed by Western democracies, but the trend was clear.

Bearing in mind this starting point, the Bush administration appeared unexplainably motionless in its first year.<sup>12</sup> We cannot talk of an unwillingness to take risks here, since adjusting to the clear changes in Soviet policy would scarcely have constituted a risk. In fact, these changes were measured against the perception framework of the Cold War; these deficits in perception were spread unequally with the administration.<sup>13</sup> The least

12 Cf. the following: Michael R. Beschloss/Strobe Talbott, *Auf höchster Ebene. Das Ende des Kalten Krieges und die Geheimdiplomatie der Supermächte 1989-1991*, Düsseldorf et al. (Econ) 1993, Chap. 2.

13 Jürgen Wilzewski, *Triumph der Legislative. Zum Wandel der amerikanischen Sicherheitspolitik 1981-1991*, Frankfurt/New York (Campus) 1999, pp. 192-199.

rigid and the person first prepared to admit to the global vs. political will to change was the pragmatic Foreign Minister Baker, not least because of his excellent relations with his Soviet counterpart, Mr Shevardnadze. Very early on, he defined his task as being to assist in providing a "soft landing" for the declining Soviet Union super power, as risk-free as possible – a cooperative project, *in principle*.<sup>14</sup> President Bush was more hesitant, yet he continued to make decisions which did not obstruct the progress of things.<sup>15</sup> Security Advisor Scowcroft, who in 1989 saw through the cunning Soviet policy which aimed to split the Western Alliance, acted conservatively and overcautiously.<sup>16</sup> His deputy, Gates, a survivor of the Reagan administration in which he has acted as the deputy CIA director, was completely unmoved. In October 1989 (!), Gates tried to put the brakes on the positive development of American-Soviet relations by way of an *extremely* pessimistic talk on the future of Gorbachov; Baker managed with some difficulty to prevent the talk from taking place.<sup>17</sup> The protagonists of the Pentagon, Defence Minister Cheney and his Chief-of-Staff Crowe (the situation improved after Colin Powell took up the position) also did not want to have anything to do with a basic policy change. Up until 1990, Cheney, like Scowcroft one year before, considered Gorbachov's reforms to be an attempt at deception. Afterwards he argued that Gorbachov would not hold on to power for long and that his successors would return to the old policy.<sup>18</sup> The relevant documents from the Pentagon held onto the conventional situation analysis just as persistently.<sup>19</sup> Vice-President Quayle surpassed everyone, when in 1991 he not quite so correctly remarked that the Cold War was at an end.<sup>20</sup>

So, the start of the administration was defined by a motionless which in hindsight in view of the historic year seems unbelievable. It found its expression in the "Strategic Review", a blueprint for global strategy, the profound immobility of which made even the highly cautious Baker impatient.<sup>21</sup>

Bush and Baker were ultimately capable of adjusting quickly to the new opportunities and forging an increasingly close cooperation with the Soviet Union and its nuclear successor state Russia on the political level. The political guideline was to complete the revolutionary change in Eastern Europe without armed conflict and to support the transition of the Soviet Union, later Russia, to a democratic, market economy, which in practice was halfway successful, even when the image of the enemy still existed in conservative circles throughout the nineties. In this respect, the senior politicians in Washington had to pro-

14 James A. Baker, III, *The Politics of Diplomacy. Revolution, War and Peace 1989-1992*, New York 1995, pp. 41ff.

15 George Bush/Brent Scowcroft, *A World Transformed*, New York 1998, pp. 8f; 55.

16 Cf. Bush/Scowcroft, loc.cit. (Note 15), pp. 12f; 114, 135.

17 Cf. Baker, loc.cit. (Note 14), pp. 156f.

18 Cf. Baker, loc.cit. (Note 14), p. 70. Cf. Bush/Scowcroft, loc.cit. (Note 15), pp. 154f, 208.

19 Z.B. Secretary of Defense, *Soviet Military Power*, Washington D.C. 1989, 1990.

20 Cf. Bush/Scowcroft, loc.cit. (Note 15), p. 155.

21 Cf. Baker, loc.cit. (Note 14), pp. 68f.

tect their flank at all times against criticism from the right.<sup>22</sup> It is worth mentioning that the Bush administration also managed to limit the effects of the Tiananmen Square massacre to strategic relations with the other potentially hostile super power, China, using a clever mix of public criticism and continued willingness to talk, despite heavy reproaches from Congress.<sup>23</sup> Since even Bush's vision articulated after the Gulf War of the "new world order" aimed at stabilising the cooperative relations between super powers, the internal systems of which continued to remain heterogeneous, and the interests of which in a stable world nevertheless overlapped. It is precisely this indifference to the moral differences between democracies and non-democracies which made the "new world order" project a bone of contention not just for the democratic election opponents, but also for the conservatives in Bush's own Republican camp, which included vehement critics of China, but also in which the number of "Wilsonians in military boots" was increasing, who were prepared to push forward the democratic ideal, with violent means if necessary.<sup>24</sup>

## 2.2 Nuclear strategy and nuclear weapon projects at the end of the East-West conflict

Nuclear strategy was a different picture. Here, the change took longer to complete, and at the end of the Bush government a breakthrough had not been achieved. Initially, the president intended to continue to put pressure on Gorbachov by continuing US nuclear armament as well as the missile defence plans – a real backwards step compared to the Gorbachov enthusiast, President Reagan. Even Scowcroft thought at first that the drastic reductions in strategic nuclear forces ought to stop.<sup>25</sup>

Within the framework of NATO, the Bush government, loudly supported by Margaret Thatcher,<sup>26</sup> pursued a "second deployment of new arms", the replacement of Lance short-range missiles with a more powerful system and the equipping of fighter planes designed for nuclear attack with nuclear-armed long-range weapons. Scarcely two years after the signing of the INF Treaty, of the first nuclear disarmament treaty with an asymmetrical disarmament obligation to the disadvantage of Moscow, these plans must have appeared like a colossal affront and as a failing of Gorbachov's policy of rapprochement. Today, we can only speculate what course 1989 would have taken had NATO pursued the British-American intentions at its spring summit and resolved to deploy the Lance successor systems. The fact that it did not come to that was thanks primarily to the German govern-

22 Ernst-Otto Czempel, *Weltpolitik im Umbruch. Das Internationale System nach Ende des Ost-West-Konflikts*, München (Beck) 1993, p. 39.

23 Cf. Baker, loc.cit. (Note 14), p. 114. Cf. Bush/Scowcroft, loc.cit. (Note 15), p. 111. Christian Hacke, *Zur Weltmacht verdammt. Die amerikanische Außenpolitik von Kennedy bis Clinton*, Berlin (Ullstein) 1997, pp. 387ff.

24 William G. Hyland, *Clinton's World. Remaking American Foreign Policy*, Westport/London (Praeger) 1999, pp.8f; Pierre Hassner, *The United States: the empire of force or the force of empire*, Paris (ISS) Chaillot Paper No. 54, 2002.

25 Martin Kahl, *Abschreckung und Kriegführung. Amerikanische Nuklearstrategie, Waffenentwicklung und nukleare Rüstungskontrolle von Kennedy bis Bush*, Bochum (Brockmeyer) 1994, pp. 700f.

26 Margaret Thatcher, *Downing Street No. 10*, Düsseldorf et al. 1993, pp. 1085ff.

ment. Germany made it perfectly clear to the allies and to the public that she would not be involved in a decision to deploy new arms in 1989 and, on top of that, she wanted to take up arms control talks regarding these systems, which was not welcomed in Washington or London. Bonn's position (supported by a number of other European NATO members) forced a rethink in Washington. Bush combined the question of NATO short-range weapons with progress in conventional arms control, i.e., dismantling Soviet superiority. An essential part of the U-turn made by the American government was the consideration shown to the interests of the German ally not to be burdened with a new arms modernisation debate in the election campaign. It was not so much the differing view of the situation by the German government and the resulting preference for a more cooperative strategy with Moscow which forced Washington to about-turn, but its respect for the pacifist conviction of the German voters.<sup>27</sup>

Under these auspices, Bush agreed to postpone the modernisation decision and declared himself willing to take part in arms control talks as soon as the planned reduction in conventional forces was under way. The allies agreed with this position (admittedly at the displeasure of the British prime minister)<sup>28</sup> enabling Gorbachov to reply with his own disarmament initiatives.<sup>29</sup>

It was now clear that American security policy was most definitely connected to nuclear strategy.<sup>30</sup> For NATO, the key role of this "Flexible Response" involved the nuclear systems deployed in Europe.<sup>31</sup> Flexibility had declined since 1991 alongside the drastic reduction of American nuclear weapons deployed in Europe and the cut-back in nuclear weapon types to a core – nuclear aerial bombs – in view of the growing superiority and precision of the American air force.<sup>32</sup> For the strategic forces, this was the triad of bombers, land-based intercontinental ballistic missiles and sea-based missiles and cruise missiles designated to cover all war-relevant, military, industrial and political targets.<sup>33</sup> Therefore, on the advice of the Pentagon, Bush stuck at first to the arming plans which planned for the deployment of movable MX missiles and more B-2 stealth bombers and a new, mobile intercontinental missile with one warhead and the expansion of the Trident submarine fleet.<sup>34</sup> Although Congress did not fundamentally change the direction of nuclear policy at this stage, it did reduce the scale of the deployment through attempts at curtailing the budget.<sup>35</sup>

27 Cf. Baker, Chap. 4, loc.cit. (Note 14). Cf. Bush/Scowcroft, Chap. 3, loc.cit. (Note 15).

28 Cf. Bush/Scowcroft, loc.cit. (Note 15), p. 82.

29 After the postponement period had expired and the CSE Treaty had been signed for some time, a conventional balance was created in Europe, so that the "second deployment of new arms" was finally placed ad Acta.

30 Baker accused this conservatism of generality, cf. Baker, loc.cit. (Note 14), p. 93.

31 Cf. Bush/Scowcroft, loc.cit. (Note 15), p. 40.

32 Cf. Kahl, loc.cit. (Note 25), pp. 776f.

33 Cf. Wilzewski, loc.cit. (Note 13), pp. 2f.

34 Cf. Kahl, loc.cit. (Note 25), pp. 714-718.

35 Cf. Wilzewski, loc.cit. (Note 13), p. 23.

The strategic argument behind this policy comprised two connected arguments: firstly, as during the Cold War, the contrast between democracy and communism was stressed. Gorbachov as a communist was not to be trusted (first phase); the Soviet elite as a whole was not to be trusted, even if Gorbachov and his followers proved themselves to be open to reform and democracy (second phase); the Soviet Union (Russia) could revert at any time into a pre-democratic state and thus become a threat once more. Consequently, according to the second stage of the argument, America had to maintain a nuclear arsenal to protect her democracy and her democratic allies, which would resemble the structure, if not the quantity, of the arsenal which had kept the old Soviet Union in check. After all, the mentality and the resulting strategic calculation that it was aimed at deterrence or – in an uncertain future – would aim at deterrence, was the same: a totalitarian way of thinking with an expansive or opportunistic attempt at expansion and a disregard for human dignity and human rights.

In 1992, the Pentagon implemented a major adjustment which adapted the American Single Integrated Operations Plan (SIOP) to the START I reductions and – which allowed additional flexibility with fewer numbers of warheads – consolidated the nuclear commands of the part-time forces into one single strategic command. The structure of SIOP and its main aim to destroy the Russian launching bases remained constant.<sup>36</sup> The persistence of the military and civil nuclear bureaucracy adamantly refused to accept any far-reaching reduction (amazingly in conventional weapons, too, to start with!).<sup>37</sup> The fact that in 1990 it was still believed they needed more than 9,500 warheads against Gorbachov's Soviet Union under the START I rules on numbers (see below), and even after the collapse of the Soviet Union needed more than 3,000 warheads under START II, to maintain a threat on all remaining military targets, underlines the strategic conservatism beautifully.<sup>38</sup> Furthermore, in the "Defense Planning Guidance" in 1992, the Pentagon strove to cover all targets which the Russian command valued – at present and in the future.<sup>39</sup> Wherever a change in *foreign* policy was pushed through enthusiastically at the seat of power, it could not be implemented fully in the strategic field. By the end of the Bush administration, foreign policy and nuclear strategy were running asynchronously.<sup>40</sup>

In addition to strategic conservatism, a dynamic further development of threat analysis and strategic reply also emerged, which had in fact started before 1990, but owing to the Gulf War gained a certain momentum in the next decade. In the meantime, a study drawn up under the auspices of the then head of the policy department of the Pentagon, Paul

36 Cf. Nolan, loc.cit. (Note 11), pp. 250-252.

37 Cf. Bush/Scowcroft, loc.cit. (Note 15), pp. 74f.

38 Baker complained at this stage "Our Department of Defense seemed to be a bigger problem than Moscow's... The arms control theologians at the Pentagon seemed to prefer no agreement than one that got us 'only' ninety percent of what we wanted." Cf. Baker, loc.cit. (Note 14), p. 670. Cf. Bush/Scowcroft, loc.cit. (Note 15), p. 208.

39 Peter Rudolf, Nicht mehr Gegner, noch nicht Partner. Von der Sowjetunion- zur Russlandpolitik, in: Matthias Dembinski/Peter Rudolf/Jürgen Wilzewski (eds.), Amerikanische Weltpolitik nach dem Ost-West-Konflikt, Baden-Baden (Nomos) 1994, pp 97-137, here p. 113.

40 Cf. Wilzewski, loc.cit. (Note 13), p. 211.



Wolfowitz, contemplated Germany and Japan as potential future rivals: a nuclear guarantee for these two powers was an essential means of protecting American hegemony and world peace. Sharp protest from the two countries caused the administration to withdraw this provoking document as quickly as possible.<sup>41</sup> In the increasingly hectic search for new enemies, the military planners and their political superiors turned their spotlight to the handful of anti-American dictators who harboured (either defensively or offensively motivated) ambitions for weapons of mass destruction; to start with, this took place as part of a threat analysis organised by Chief-of-Staff Powell with the explicit aim of finding a reason to keep the extensive military arsenal beyond the end of the Cold War.<sup>42</sup> This initiative fused with the growing interest from the Pentagon in the previously neglected proliferation problem that had found expression in the setting up of a workgroup for "Counterproliferation Measures" in 1989.<sup>43</sup> The need to strive for the deterrence effect even in regional crises was recognised as an important lesson from the Gulf War. An important, new function was thus ascribed to the American nuclear arsenal. The fact that this role could also have an effect on its composition, was suggested by studies conducted by the Pentagon and the weapons laboratories in 1992, in which the development of relatively small calibre, nuclear warheads was proposed in order to attack and reliably destroy important targets in regional conflicts (underground command positions, biological and chemical weapon production facilities and stores). These proposals were still being implemented under Cheney in a new Nuclear Weapons Employment Policy.<sup>44</sup> At the same time, a study group made up of Democratic party supporters and later members of the Clinton administration at Harvard University conducted a study in which the possibility of "pre-emptive defence" against nuclear-armed "rogue states" was also looked into.<sup>45</sup>

## 2.3 Nuclear arms control policy

### 2.3.1 *The START Treaties*

The START I Treaty signed shortly before the Moscow coup d'état in July 1991 followed the traditional arms control of the Cold War, which did not permit obvious disarmament

41 Excerpts from Pentagon Plan: 'Prevent the Emergence of a New Rival, New York Times, 8. 3. 1992, p. 14; Michael Klare. *Rogue States and Nuclear Outlaws. America's Search for a New Foreign Policy*, New York (Hill and Wang) 1995, pp. 99-103.

42 Cf. Klare, loc.cit. (Note 41), pp. 10f.

43 Eric Chauvistré, *Das Atomare Dilemma. Die Raketenabwehrpläne der USA*, Berlin (Espresso Verl.) 2001, p. 83.

44 Cf. Nolan, loc.cit. (Note 11), p. 256; Hans M. Kristgensen/Josuha Handler, *Changing Targets: Nuclear Doctrine from the Cold War to the Third World*, Greenpeace Foundation 1995. Cf. Klare, loc.cit. (Note 41), pp. 121-125.

45 Robert D. Blackwill/Albert Carnesale (eds.), *The New Nuclear Nations: Consequences for U.S. Policy*, New York (Council on Foreign Relations Pr.) 1993.

(START = Strategic Arms Reduction Treaty).<sup>46</sup> Talks had begun during the Cold War in June 1982. Like the SALT Treaties negotiated in the 1970s, START I aimed to stabilise nuclear deterrence and limit strategic systems (SALT = Strategic Arms Limitation Talks). All the same, the treaty not only limited the number of strategic missiles, it also reduced the number of warheads.<sup>47</sup>

The treaty failed to exploit the opportunities for taking radical disarmament action at the end of the East-West conflict by a long chalk. The Soviet Union and the United States left their option to modernise their arsenals unhindered open. The original intention was to halve them, but due to further rules on numbers agreed between Reagan and Gorbachov, the arsenals were only reduced by 20-30%. Qualitative modernisation was not limited, i.e., there was no ban on the development, testing or production of improved and new systems.

Although Reagan and Gorbachov had already agreed on the key figures of an agreement in December 1987 at the Washington summit, negotiations still proceeded ever so slowly. Even at the end of Reagan's term in office, there were some fundamental issues still to be resolved, e.g. the relationship between START and the Strategic Defense Initiative (SDI) and the limitation of nuclear cruise missiles – but these differences could have been speedily cleared up. The Americans permitted slightly more movement at the end of December 1989 as a result of public opinion which favoured further disarmament.<sup>48</sup> The American president aimed to be more of an initiator of than an obstacle to the disarmament process.<sup>49</sup> Nevertheless, the talks remained fragile since the Bush administration slipped back into an old pattern of arms control policy aimed at unilaterally limiting the military capabilities of the enemy, without conceding equivalent limitations on its own side. The USA wanted to ban mobile, land-based intercontinental ballistic missiles with multiple warheads but not include sea-based systems in the ban since the USA possessed a clear advantage in this respect.

In mid-June, Bush and Gorbachov agreed on a framework agreement. However, this came up against heavy criticism in conservative circles: in view of the Soviet military action in the Baltics, American consent would send the wrong signal to the Soviet Union. Therefore, it was delayed one year until it was finally signed in summer 1991.

46 Wilzewski, loc.cit. (Note 13), pp. 204-210; Kahl, loc.cit. (Note 25), pp. 714-720; Jürgen Wilzewski, *Der START-Vertrag*, in: Johannes Schwerdtfeger et al. (eds.), *Friedensgutachten 1991*, Münster (Lit-Verlag) 1991.

47 Treaty Text: <http://www.state.gov/t/ac/trty/10423.htm>. A summary of the treaty is: *A START Briefing Book*, *The Bulletin of the Atomic Scientists*, November 1991, p. 24.

48 The peace movement was still active at the end of the 1980's. In the USA it was represented especially by Freeze, under the roof of which a wealth of further organisations had gathered. Their particular objective was far-reaching nuclear disarmament. See e.g. Bruce Ferguson, *Different agendas, styles shape SANE/Freeze*, *Bulletin of the Atomic Scientists*, April 1988, p. 26.

49 Wilzewski, loc.cit. (Note 13), p. 207.

During the course of the following year, The USA's readiness to make concessions in nuclear policy increased.<sup>50</sup> The USA therefore reacted to the amended political framework conditions after the failed coup in August 1991 and the collapse of the USSR. Now, even the hardliners of the Bush administration accepted that the re-established of an expansionist, totalitarian system was unlikely. Instead, the administration perceived three new dangers: the former Soviet Union could disintegrate in several states possessing nuclear weapons, control over the former Soviet nuclear weapons could be lost – resulting in their uncontrolled proliferation – and, last but not least, the further disintegration of Russia could not be ruled out, with unforeseeable consequences for the behaviour of future holders of nuclear weapons. The assumption that possessing nuclear weapons automatically leads to rational behaviour was shattered. In the later half of 1991, Bush began to react to these dangers.

In September 1991, in an address to the nation, he announced a fundamental re-evaluation of US nuclear policy, as well as far-reaching disarmament measures, including the unilateral disarmament of tactical nuclear weapons (cf. Section 2.4.2.), in addition to calling for the abolition of multiple warheads on land-based ICBMs.<sup>51</sup> As it was, the proposed latter measure would have distributed the burdens very unequally, since the Soviet Union in particular would have had to disarm, but the dialogue for new START talks had started. In January 1992, the announcement of further disarmament initiatives followed in a report on the state of the nation.<sup>52</sup> Both steps were answered positively by the USSR/Russia. In July 1992, Bush and Yeltsin agreed on strategic disarmament way beyond that provided for in START I. In January 1993, after just six months of talks, the START II Treaty was signed.

START II is the first treaty which reached beyond the arms control of the Cold War and clearly reduced nuclear potential.<sup>53</sup> It provides for the number of strategic nuclear warheads to be reduced from over 10,000 on each side to 3,000 - 3,500 on each side by 2003, i.e., to cut the potential permitted in START I by around a half. The qualitative limits are also notable: the treaty bans all land-based intercontinental ballistic missiles with multiple warheads and – as an American concession – provides for the reduction of American sea-based warheads by a half.<sup>54</sup>

50 Matthias Dembinski, *Mit START zum Ziel der allgemeinen und vollständigen Abrüstung?* Frankfurt (HSFK-Report 3) 1993.

51 George Bush, *Address to the Nation on Reducing United States and Soviet Nuclear Weapons*, September 27, 1991, <http://bushlibrary.tamu.edu/papers/1991/91092704.html>.

52 Matthias Dembinski/Jürgen Wilzewski, *Strategische und taktische Nuklearwaffen*, in: Reinhard Mutz et al., *Friedensgutachten 1992*, Münster (Lit-Verlag) 1992, *Address Before a Joint Session of the Congress on the State of the Union*, January 28, 1992, <http://bushlibrary.tamu.edu/papers/1992/92012801.html>.

53 Cf. Dembinski, loc.cit. (Note 50); Matthias Dembinski/Jürgen Wilzewski, *Die nukleare Abrüstung der Vereinigten Staaten und Russland*, in: Gert Krell et al. (eds.), *Friedensgutachten 1993*, Münster (Lit-Verlag) 1993.

54 Treaty text at <http://www.state.gov/www/global/arms/treaties/salt2-1.html>.

Together with unilateral disarmament steps implemented by both sides (cf. Section 2.4.2), the treaty put an end to the nuclear arms race and, for the first time, promised the prospect of radical disarmament. Cooperative denuclearisation now stood at the centre of debate instead of the stabilisation of the arms race. However, at the time of signing the treaty, the finer points of implementation had yet to be clarified – there was no telling how long the treaty would remain just on paper. Despite all these changes, the basis of American nuclear strategy and the structure of SIOP still remained untouched.

### 2.3.2 *Unilateral measures for tactical nuclear weapons*

The START Treaties omitted an important class of American and Russian nuclear weapons – tactical nuclear weapons (TNW).<sup>55</sup> But, in his announcement of a re-evaluation of American nuclear weapon policy on 17 September 1991, Bush also promised to abolish the entire arsenal of land-based TNW worldwide, as well as all nuclear weapons on ships and attack submarines, as well as the withdrawal of sea-launched cruise missiles, (SLCMs) with nuclear warheads from ships and to store them centrally in the USA. The aim of the announcement was to provoke a reciprocal reply, which in fact arrived promptly on 5 October. Gorbachov announced similar measures with just a few variations. The reductions were to be implemented by 2000.<sup>56</sup>

In the run-up, there had been discussions, information campaigns and protest from various non-government organisations and activists against the acquisition of the B-2 stealth bombers. In the main, they criticised the high acquisition costs and the distribution of roles between conventional and nuclear missions. Such protest contributed to the delegitimisation of tactical nuclear weapons and ultimately resulted in just 15 units being purchased.<sup>57</sup>

In addition to this, various non-government organisations and think tanks had submitted reports on extensive disarmament. A 1991 study by the *Committee on International Security and Arms Control (CISAC)* of the National Academy of Sciences was given particular consideration. In this study, the traditionally influential CISAC proposed the complete elimination of all tactical nuclear weapons in Europe and the disarmament of up to 90% of all strategic nuclear weapons.<sup>58</sup>

In his declaration, Bush's reason for opting for a unilateral announcement was the urgency of the matter: disarmament had to proceed quickly and decisively, drawn-out talks would only cause it to falter. However, a further reason was also that he wanted to win the

55 William C. Potter/Nikolai Sokov/Harald Müller/Annette Schaper, *Tactical Nuclear Weapons – Options for Control*, UNIDIR Research Report, Geneva, 2000.

56 This set target was presumably observed, but due to the lack of transparency of the disarmament activities, the details are contradictory.

57 Union of Concerned Scientists, *About Us*, <http://www.ucsusa.org/ucs/about/page.cfm?pageID=767>. See also John Isaacs, *Sunscreens and Bullions for the B-2*, *Bulletin of the Atomic Scientists*, Vol. 46, No. 3, April 1990.

58 *Committee on International Security and Arms Control*, National Academy of Sciences, *The Future of the U.S -Soviet Nuclear Relationship*, (National Academies Press) 1991.

support of the conservative circles and the military, and this was easier using measures which did not result in anything binding and which could be retracted at any time, rather than a binding treaty, which, on top of everything, would provide for detailed verification measures including on-site inspections. In Moscow, there was still hope that it would lead to talks. As it became clear that the USA was not interested in talks, Moscow was disappointed but came to terms with the situation anyway. Yeltsin confirmed that his government would abide by Gorbachov's declaration.

The lack of a treaty also proved to be a disadvantage. Although both sides regularly inform each other of the continued progress of efforts to disarm, there is no verification of or official statements on the number of warheads still deployed, and also very little as to how many can be found in central stores or have already been scrapped. To date, all reports on the implementation of unilateral commitments have been contradictory, and various details on the number of warheads still in existence also contradict each other.<sup>59</sup> Research and development into new nuclear weapon types has moreover been possible without restriction. The new regime is also extremely unstable: each proposed change to the original declarations could be interpreted as a breach, leading to its collapse. The disarmament of tactical nuclear weapons therefore lacks the *transparency* as well as the *irreversibility*, two of the potential features which would ensure its lasting success.

It is true that the Bush government wanted quick success which would doubtless have removed or mitigated a few dangers; instead it made sure that its own commitments were minimised.

### 2.3.3 *The negative attitude to the Test Ban Treaty*

Despite deep-reaching global changes, the Bush government continued to reject a Comprehensive Test Ban Treaty (CTBT).

Opposition to nuclear experiments in the USA has a long tradition.<sup>60</sup> At the start of the 1990's, the number of non-government organisations against nuclear tests grew.<sup>61</sup> In 1991, an opinion survey showed that 87% of Americans wanted a test ban, but did not consider it realistic.<sup>62</sup> The end of the East-West conflict and the other nuclear disarmament initiatives in particular contributed to the delegitimisation of further nuclear tests. In view of

59 Details are only available from independent research institutes. Institutes who have collated precise listings and figures, also maintain detailed websites. See also especially the pages of the Federation of American Scientists (FAS): <http://www.fas.org> and the Center for Defense Organization (CDI): [www.cdi.org](http://www.cdi.org). See also the appendix by Potter et al., loc.cit. (Note 55).

60 Trevor Findlay, Public Opinion on Nuclear Testing, in: Royal Norwegian Ministry of Foreign Affairs (ed.), *Towards a Comprehensive Test Ban Treaty*, May 1992, pp. 37–46.

61 Including "Toward A Comprehensive Nuclear Warhead Test Ban" (Moscow), International Physicians for the Prevention of Nuclear War (IPPNW), National Resources Defense Council (NRDC, Washington), the Nevada-Semipalatinsk-Movement, Greenpeace, Peace Action and Physicians for Social Responsibility and the US Comprehensive Test Ban Coalition (comprising 73 organisations).

62 Cf. Findlay, loc.cit. (Note 60).

the public mood, Congress adopted a law in 1990 which awarded compensation to those injured by the fallout of overground tests. This, too, further delegitimised nuclear tests.

International pressure rose, too. Increasingly more governments called for a CTBT. At the "Amendment Conference" to the Partial Test Ban Treaty (PTBT) in January 1991, all 95 states present except for the USA and Great Britain supported a CTBT.<sup>63</sup> Furthermore, the US government tried to stop all diplomatic efforts at starting talks.<sup>64</sup> The Bush government even fell behind the policy declared by Ronald Reagan, to be prepared to enter into test ban talks, once the verification issues had been cleared up and the Threshold Test Ban Treaty and the Treaty on the Limitation of "Peaceful Nuclear Explosions" had been ratified.<sup>65</sup> Instead, American participation in talks was postponed indefinitely.<sup>66</sup>

A strong lobby from the nuclear weapons laboratories and the defence establishment supported the opposition to the Bush administration against a CTBT. This also provided – highly disputed – arguments for the public debate. Discussion no longer concerned the East-West conflict, but the verifiability, future security, reliability and modernisability of US nuclear weapons.<sup>67</sup>

Another of the opponents' argument to a CTBT was the option of developing new nuclear weapon types again in the future. However, this failed to have any power of conviction in a mood already set for nuclear disarmament and produced instead further indignation among supporters. Since July 1990, the USA had in fact not developed any new nuclear warheads. Halfway through 1992, President George Bush turned this reality into official policy when he announced that all existing development programmes for new types of nuclear weapons would be stopped. In this context, the vehement opposition to the administration against a CTBT is even more conspicuous: they support a fundamental conservatism and a strong influence from the weapon laboratories' lobby.<sup>68</sup> This was because, during the Cold War, nuclear tests also had the role of proving the USA's superiority and stressing the need for nuclear weapons as a deterrent, a role which supporters of a CTBT considered obsolete.

Following the end of the East-West conflict, international pressure had grown so much that in 1991 Gorbachov first of all called for a test moratorium, which France and the USA

63 Cf. Findlay, *loc.cit.* (Note 60).

64 Katherine Magraw, *The United States*, in: Eric Arnett, *Nuclear Weapons after the Comprehensive Test Ban – Implications for Modernization and Proliferation*, Sipri, Oxford (University Press) 1996.

65 Together the two treaties (signed 1974 and 1976) ban nuclear explosions of more than 150 kt explosive force.

66 PPNN Newsbrief 9, Spring 1990, p. 6.

67 There is a wealth of literature in this area. A detailed early contribution is: Steve Fetter, *Toward a Comprehensive Test Ban*, Cambridge, 1988.

68 The extent of such an influence is shown, for example, in the history of talks behind the Moscow Nuclear Test Ban Treaty, in which the original aim was to ban all nuclear explosions and not just those in the atmosphere (as was actually agreed): a reason for the failure was not least the influence of hydrogen bomb inventor Edward Teller, who claimed that further tests should be carried out in order to develop a nuclear weapon without radioactive fallout.

as a result of pressure from Congress joined in 1992. In contrast to the Bush government, Congress – then in the hands of the Democrats – supported a CTBT and, in October 1992, despite resistance from the Bush administration, passed a law supporting a test moratorium. The President was also to develop a plan showing how the conclusion of a CTBT could be achieved by 1996. After a slight delay and some major debates within the executive, Bush ratified the law.<sup>69</sup>

The activities of numerous non-government organisations, activists and initiatives, which towards the end of the East-West conflict had become very popular, also contributed to this development and organised extensive information campaigns on the dangers of continued nuclear explosions and the advantages of a test ban.<sup>70</sup>

#### 2.3.4 *Non-proliferation policy*

The nuclear non-proliferation policy under Bush Senior led a wallflower existence. It was marked by two events:

- In 1989, in a secret resolution, the administration extended aid to Iraq, although by this time there were already increasing signs that the government of Saddam Hussein was working hard on a nuclear weapon project.<sup>71</sup>
- While preparing for the NPT Review Conference, the agent responsible for the non-proliferation policy in the disarmaments body, Kathleen Bailey, declared that the USA would sooner leave the NPT (Nuclear Non-Proliferation Treaty) than agree to a test ban.

At the NPT Review Conference itself, participants failed to reach agreement that the USA was doing too little too late in the test ban matter. Nevertheless, through pressure and conviction, all non-aligned states except for Mexico moved to accept the compromise formula to satisfy America. Mexico, on the other hand, would not give up her minimum demand of a clear declaration to introduce a test ban.<sup>72</sup>

After 1990, – i.e., after the shocking realisations of Iraq's nuclear weapon programme – the administration invested a lot more energy into non-proliferation, evidenced by two major political initiatives, the "Enhanced Proliferation Control Initiative" (Dec. 1990) with a decisive extension of export control and the "Nonproliferation Initiative" (July 1993). Important and new regional initiatives in the Middle East, Southern Asia and Eastern Asia were introduced to encourage "developing countries" to give up or at least to

69 Coalition to Reduce Nuclear Dangers, Chronology of Key Events in the Effort to End Nuclear Weapons Testing: 1945-1999, <http://www.clw.org/coalition/ctchro90.htm>.

70 Cf. Note 61, see also Peter Zheutlin, Nevada, U.S.S.R., Bulletin of the Atomic Scientists, Vol. 46, No. 2, March 1990. These include Greenpeace, Peace Action and Physicians for Social Responsibility.

71 Matthias Dembinski, Weltordnung und Sicherheit. Amerikanische Nonproliferationspolitik nach dem Ende des Ost-West-Konflikts, in: Matthias Dembinski/Peter Rudolf/Jürgen Wilzewski (eds.), Amerikanische Weltpolitik nach dem Ost-West-Konflikt, Baden-Baden (Nomos) 1994, pp. 307-348, here p. 317.

72 David Fischer/Harald Müller, A Treaty in Trouble. Europe and the NPT after the Fourth Review Conference, Frankfurt (PRIF Reports No. 17) 1991.

freeze their nuclear weapon programmes. The Bush administration contributed actively in the resurrection of the group of nuclear supplier countries and played a considerable part in reviewing their guidelines and providing instruments in particular for stemming the dangerous transport of dual use goods. The administration also brought in an initiative to "overhaul" the International Atomic Energy Agency's system of safeguards (IAEA), the inadequacy of which to discover secret nuclear activities had become apparent with the experiences in Iraq.<sup>73</sup> Finally, the administration was partially responsible for the UN Security Council, in January 1992, asking to speak for the first time on the proliferation of weapons of mass destruction by means of a declaration. This declaration described the proliferation as "a threat to international peace and security", which permitted sanctions under Chapter VII of the UN Charter. In so doing, the Bush administration had reinforced its role in the Security Council as protector of the non-proliferation regime.<sup>74</sup>

As Bush fell in with the test moratorium towards the end of his office, the critical date of 1995 was announced, when the NPT would be tested at an "Extension Conference" and at which the fate of this treaty so important for world order would be decided.

Before then, however, another subject came to the fore: soon after the end of the Cold War, it became clear that new proliferation dangers were emerging from the ailing nuclear complex of the former Soviet Union: the enormous production apparatus could no longer be maintained with the available resources. The physical protection of many of the facilities was completely inadequate, the wages of the formally privileged employees could no longer be paid, and as a consequence of the planned disarmament, large quantities of weapons-grade plutonium and highly enriched uranium could be expected to become readily available. Sooner or later – it was predicted – the theft of weapons-grade material would begin. The US administration reacted to warnings<sup>75</sup> and tried to resolve the problem as quickly as possible with unilateral measures. In 1991, it launched the "Nunn-Lugar" programme – named after two senators. Its aim was to provide aid for Russia, the Ukraine, Belarus, Kazakhstan and others in the form of conversion, military contact, decontamination and enhanced physical protection. In 1992, after eight months of talks, the EU, the USA, Japan and Russia founded the International Science and Technology Centre. In 1993, it started work. Initially, there were difficulties and obstacles which were not overcome until years later. Financial transfers from the Nunn-Lugar programme were so slow at first – primarily because of the complicated and incompatible bureaucracies on both sides – that some of the money became invalid before it was even spent. The money was also only granted on the condition that it was only spent on American technology for all measures – a condition that caused incredible frustration for the Russians, since they

73 Cf. Dembinski, loc.cit. (Note 71), pp. 324ff.

74 PPNN Newsbrief 17, Spring 1992, p. 15.

75 One of the first warning publications on this subject which had considerable influence on US policy was Kurt M. Campbell/Ashton B. Carter/Steven E. Miller/Charles A. Zraket, *Soviet Nuclear Fission: Control of the Nuclear Arsenal in a Disintegrating Soviet Union*, CSIA Studies in International Security, Cambridge, 1991.



were very much in the position to provide much of the relevant technology themselves. This would also have secured jobs.

## 2.4 Summary

In summary it can be said that Bush's arms control and non-proliferation policy were embedded in a moderate multilateralism.<sup>76</sup> Such orientation was also evident from the fact that in the Gulf War in 1991 Bush sought a path via the UN Security Council. In this framework, the bilateral and multilateral regulation of the arms relationship was regarded as one controlled by several instruments for establishing a cooperative world order under American leadership. The Bush administration preferred negotiated, legally binding treaties with detailed verification rules; under the pressure of time and as a concession to the Republican right wing, the administration also accepted non-binding commitment, as in the case of the mutual reduction and consolidation of tactical nuclear weapons during the crisis in and collapse of the Soviet Union, whereby a future change in policy remained clearly open. However, a certain self-limitation on one's own freedom of action was also acceptable for the "new world order" provided it remained in line with vital security interests. An interested public and active non-government organisations supported the relatively pro-arms control policy. In the final phase of the East-West conflict, the Americans devoted an unusually high amount of attention to foreign policy. 53% were very interested in foreign policy matters, 4% up on four years previously and 11% more than in 1982. 18.8% stated foreign policy as the most important political problem. Nuclear arms control did well, too: 59% considered non-proliferation to be a relevant subject, and 53% global arms control.<sup>77</sup>

However, the government was not prepared to make a fundamental U-turn in nuclear policy. Despite all the arms reductions, the cessation of arms programmes, and despite the readiness to take steps towards arms control under both START Treaties (see below), the nuclear posture of the USA has remained structurally the same. With the focus again turned to "rogue states", new roles for nuclear weapons emerged which threatened to compensate for the change in Bush's nuclear weapons policy –quantitative reduction – through a qualitative expansion of nuclear strategy. All in all, despite the appearance of the spectacular treaties, policy has remained constant with the period before the end of the East-West conflict.

76 Steven Hurst, *The Foreign Policy of the Bush Administration. In Search of a New World Order*, London/New York (Printer) 1999, pp. 129-134.

77 John E. Rielly, *American Public Opinion and U.S. Foreign Policy*, Chicago Council on Foreign Relations 1991.

### 3. The Nuclear Policy of the Clinton Administration

#### 3.1 Foreign policy and security policy guidelines

The Clinton administration had to deal with a pretty much unpredictable Russian partner increasingly dominated by the ill health of the president. Following the departure of Foreign Minister Kosyrev, conservative or even restorative forces dominated the clearly increasingly powerless Duma and Russia swung to a more nationalistic, geopolitically-oriented policy harbouring greater anti-Western resentment. On the other hand, it was not to be ignored that Clinton, after an extremely multilateral beginning, had, by 1994, fallen into the unilateral line – under the pressure of Congress now dominated by conservative Republicans. In parallel to this, the administration prioritised NATO above the OSCE and the United Nations and with much energy encouraged the recruitment of new NATO members fully aware that this would stretch the flexibility of its Russian partner too far and increase the tensions between them.<sup>78</sup>

By the end of the Clinton administration, relations with Russia were very ambivalent. The USA did not see Russia as an enemy, but, like before, as a risk factor. She strove towards cooperative relations, while at the same time challenging vital Russian interests – for example by pursuing geostrategic and energy interests in the Caucasus and in Central Asia. The conservative Republicans in Congress went further from a deep-seated prejudice to force the Clinton administration further in this direction.<sup>79</sup> The fact that the Foreign Committee and the Defence Committee in the Senate were headed by two of the most chauvinistic "dinosaurs", Jesse Helms and Strom Thurmond, meant that the extreme wing of the majority party lost an overproportionate amount of influence. The ambivalent tension was even more evident in relations with China. The concessions made to the Taiwan lobby (for example, authorisation for an "unofficial" visit from the Taiwanese president) reflected partly the views of the administration itself, and partly the pressure from the pro-Taiwan Republicans in Congress. Since this was always causing difficulties with Peking, a constant eye was kept on the deterrence role of the USA in East Asia by the strategists.<sup>80</sup>

While Russia and China continued to be noted in American strategic arsenal, the "rogue states" – in direct connection with the debates in the last stage of the Bush administration – marched straight into the centre of strategic thinking. Constitutive of this category is the non-democratic, totalitarian, dictatorial character of these regimes, their contempt for the values represented by the United States and the West as a whole. Based on this categorisation, they take the place of communist Soviet Union in the maniacal pattern

78 Ernst Otto Czempel, *Neue Sicherheit in Europa. Eine Kritik an Neorealismus und Realpolitik*, Frankfurt/Nyn (Campus) 2002, p. 116ff.; cf. Hyland, loc.cit. (Note 24), pp. 96ff.

79 Cf. Hacke, loc.cit. (Note 23), pp. 543ff.

80 Cf. Hyland, loc.cit. (Note 24), pp. 116ff; cf. Hacke, loc.cit. (Note 23), pp. 549ff.

of interpretation of the world which so dominates American political culture.<sup>81</sup> This position is important because, in deterring and defending against evil, a return to an equivalent evil (nuclear weapons) becomes justifiable; they contrast with the aim declared more adamantly under Clinton than under Bush, of expanding democracy in the world and hence expanding the area of peace and stability.<sup>82</sup>

The totalitarian characteristic is a necessary but not sufficient condition for a regime to be classified as a rogue state. There is also the element of dangerousness: "rogue states" threaten basic American interests, possess weapons of mass destruction or strive to and they support terrorism. These features compress themselves into an interpretation syndrome that characterises them as antagonists and a complete danger to democracies.<sup>83</sup> Early on, leading members of the Clinton administration made it clear that the containment, deterrence and – if necessary – the combating of "rogue states" took a central role in their diplomacy as well in their military strategy.<sup>84</sup> For the "Two Wars Strategy" (which was adopted after a brief debate on a "One-and-a-half War Strategy") taken over from Bush, this, together with the experiences of the Gulf War, brought about an urgent need to deal with the possibility of a threat from weapons of mass destruction in regional military disputes. The reply came in the form of the "Defense Counterproliferation Initiative" (DCI) first announced at the end of 1993. It was connected with the Presidential Guideline PDD-13 which wanted to integrate non-proliferation as a military means and defined objective of the administration with conventional diplomatic and overseas economic instruments (export controls).<sup>85</sup>

At first, DCI caused considerable irritation in Europe, since Europe had got the impression that multilateral non-proliferation diplomacy should be *superseded* by military prevention – a line which should have been implemented under Bush Junior. DCI was made up of research and procurement projects for passive protection against the NBC threat (protective clothing, sensors, vaccinations); active protection (tactical missile defence); projects for developing conventional pre-emption means (munitions with the ability to penetrate and destroy underground positions and with high detonation temperatures for the reliable destruction of B and C weapons).

The DCI also marked the beginning of a change in the foreign policy strategy of the administration. To start with, with the "expansion strategy" it had made a declared belief in multilateralism. The strategy consciously intensified the potential in Bush's "new world

81 Robert S. Litwak, *Rogue States and US-Foreign Policy – Containment after the Cold War*, Washington D.C. (Woodrow Wilson Center Press) 2000, p. 63; Anthony Lake, *Confronting Backlash States*, in: *Foreign Affairs*, Vol. 73, No. 2, March/April 1994, pp. 45.-55; cf. Klare., *loc.cit.* (Note 41), p. 25, establishes the roots of this new interpretation during the first Bush administration.

82 John Dumbrell, *American Foreign Policy. Carter to Clinton*, Houndsmill (Basingstoke) 1997, pp. 188-191.

83 Cf. Clinton's speech to the UN General Assembly: "If we do not stem the proliferation of the world's deadliest weapons no democracy can feel secure", see Klare, *loc.cit.* (Note 41), p. 171.

84 Litwak, *loc.cit.* (Note 81), pp. 25f, 49f.

85 Cf. Litwak, *loc.cit.* (Note 81), pp. 37f.

order” to implement a project of increasing legitimisation of international relations already followed by President Wilson in 1918 (and which had failed due to the refusal by the senate at the time to ratify the League of Nations mandate).<sup>86</sup> This multilateralism was however, not really an established priority in the thinking of the administration, since the security gains achieved through arms control and security policy institutionalisation scarcely played a part in public opinion.<sup>87</sup> Under the increasing pressure of the conservative Republicans (especially in Congress) more and more unilateralism became mixed into Clinton’s policy.<sup>88</sup> Republican military expert, Paul Wolfowitz, accused him, early in 1994, of not translating correct knowledge of Iraq into more energetic, and, if necessary, unilateral military action.<sup>89</sup> At the end of 1993, ex-defence minister Cheney demanded Saddam Hussein be removed now rather than in five or ten years time.<sup>90</sup> Richard Haass, another Republican with senior functions in both Bush administrations, in 1994 demanded pre-emptive military strikes on the nuclear plants in North Korea.<sup>91</sup> The DCI fitted in as one of the first elements in this way of thinking.

On top of that, was the return of public interest to arms control. The intensity with which the media regarded the subject abated, together with the financial contributions to non-government organisations.<sup>92</sup> The proportion of the public who considered themselves ”very interested” in foreign news slipped back slightly from 53% to 50%. The trend was clearer in the question concerning the country’s most important problem: where four years before, almost 19% stated foreign policy, now it was only 11.8%. Dramatically, where we’re concerned, was the fact that arms control, previously identified by more than 50% of people as an important foreign policy objective, no longer figured among the ten subjects considered relevant, although the proportion of those who described non-proliferation as ”very important” had climbed to 81%. However, this does not point to a

86 Robert J. Lieber, *Eagle Without a Cause: Making Foreign Policy Without the Soviet Threat*, in: Robert J. Lieber (ed.), *Eagle Adrift. American Foreign Policy at the End of the Century*, New York et al. (Longman) 1997, pp. 3-25, here pp. 14f; see Hyland (Note 24), pp. 24ff.; *A National Security Strategy of Engagement and Enlargement*, Washington, D.C. (The White House) 1994.

87 Cf. Czempiel, loc.cit. (Note 78), pp. 109ff.

88 Christian Hacke, *Bilanz und Perspektiven amerikanischer Außenpolitik nach der Präsidentschaft Clinton*, in: Alexander Siedschlag (ed.), *Realistische Perspektiven internationaler Politik*, Festschrift für Gottfried-Karl Kindermann um 75. Geburtstag, Opladen (Leske and Budrich) 2001, pp. 101-118; see Hyland (Note 24), pp. 64/65; Jürgen Wilzewski, *Demokratie und Außenpolitik: Friktionen zwischen Präsident und Kongress*, in: Peter Rudolph/Jürgen Wilzewski (eds.), *Weltmacht ohne Gegner. Amerikanische Außenpolitik zu Beginn des 21. Jahrhunderts*, Baden-Baden (Nomos) 2000, pp. 38—61.

89 Paul Wolfowitz, *Clinton’s First Year*, in: *Foreign Affairs*, Vol. 73, No. 1, January/February 1994, pp. 28-43.

90 Cf. Klare, loc.cit. (Note 41), p. 200.

91 Richard N. Haass, *Keep the Heat on North Korea*, *New York Times*, 17. 6. 1994.

92 Michael Krepon, *Do it better and smarter*, *Bulletin of the Atomic Scientists*, November/December 1995, p. 13.

drop in the multilateral tendency of the Americans, since 53% thought the United Nations should be strengthened, 10% more than in 1990.<sup>93</sup>

### 3.2 Nuclear strategy under Clinton: the Nuclear Posture Review

The new threat analysis and the central position of the "rogue states" as potential military opponents had long-term effects on nuclear strategy and the positioning of nuclear weapons (and nuclear arms control and non-proliferation) in the USA's strategic arsenal: the arguments against missile defence became weaker, the more actual or potential advancements could be put under the control of weapons of mass destruction (WMD) and missile programmes in the incriminated states.<sup>94</sup> Nuclear weapons increasingly assumed the role of a generalised means of deterrence against these states, which undermined the hitherto unconditional guarantee of non-nuclear weapon states and meant that these states could not be threatened nor attacked with nuclear means. Nuclear weapons as pre-emptive means of warfare against WMD stocks in "rogue states" entered increasingly into the debate, which gave argumentative impetus to the wishes of nuclear laboratories to work on new warhead designs. In a comprehensive strategy of "Selective Engagement", in which the USA would have to defend her most vital geopolitical interests, if necessary with weapons, and possibly fight a war in East Asia (North Korea) and a war in the Persian Gulf at the same time, made this deterrent function more important.<sup>95</sup>

President Clinton's first defence minister Aspin introduced the most ambitious attempt at a fundamental change to American nuclear strategy, plus the size, composition and alert status of nuclear forces.<sup>96</sup> The Nuclear Posture Review commissioned in autumn 1993 was headed by the head of department from the defence minister's office, Ashton Carter, a Harvard scientist and arms control expert, who – like his employer – aimed at a fundamental change to the policy inherited from the Cold War. Appropriate to the end of the Cold War, he especially wanted to develop a purely second strike strategy. The capability of counter-attack directly on receipt of a warning, before aerial warheads could be detonated, would be given up. The intention failed. Six workgroups comprising intermediate officer ranks were given assignments which they completed in the sense of the handed-down policy. Carter's deputy, nuclear strategy veteran Frank Miller, worked hard at keeping any innovations to a minimum. He considered Russia's democratisation still too unstable to justify any bold changes in American nuclear doctrine. For, as long as Russia was still not clearly settled in the democratic camp, Russian intentions were still

93 John E. Rielly, *American Public Opinion and U.S. Foreign Policy 1991*, Chicago Council on Foreign Relations 1995.

94 Cf. Litwak., *loc.cit.* (Note 81) pp. 40ff.

95 Barry R. Posen/Andrew L. Ross, *Competing U.S. Grand Strategies*, in: Robert J. Lieber (ed.), *Eagle Adrift. American Foreign Policy at the End of the Century*, New York et al. (Longman) 1997, pp. 100-134, here: pp. 109f; cf. Dumbrell, *loc.cit.* (Note 82), pp. 184ff.

96 To follow cf. Janne Nolan, *The Next Nuclear Posture Review?*, in: Harold Feiveson (ed.), *The Nuclear Turning Point: a Blueprint for Deep Cuts and De-Alerting of Nuclear Weapons*, Washington, D.C. (Brookings Institution) 1999, pp. 243-283.

not sufficiently trustworthy, to do without a robust counterforce arsenal, which in the event of war would be able to eliminate the greater part of the Russian nuclear weapon arsenal.<sup>97</sup>

The Pentagon bureaucracy ignored the original directive to involve a "control group" comprising external experts. When Carter himself in a moment of doubt engaged two external disarmament experts to develop alternative options and was about to pass their study – together with the officially prepared version of the status quo – upwards, there was a revolt among the military bureaucracy. The joint chiefs and the commander in chief of strategic command vigorously turned against the "radical" proposals of the outsiders who had set their target on abolishing land-based intercontinental ballistic missiles, the abandonment of high alert as well as the withdrawal of all nuclear weapons from Europe. The main argument concerned procedure: it would be improper to develop alternative options for American nuclear policy bypassing the appointed military committees. This disavowing of civil control and the practical ban on alternative thinking (this is precisely what the now resigned Les Aspin had wanted to achieve!) annulled basic principles of democratic government in the highly sensitive area of defence policy of all places.<sup>98</sup>

The military command brought their reservations to the attention of the conservative defence politicians in the Senate who played out the differences between the civilian and military command politically against the administration.<sup>99</sup> In view of these circumstances, the risk of following Carter's starting points further appeared too great to the political leadership. When the Nuclear Posture Review was published, it confirmed the status quo: The uncertainties of the Russian reform process meant that the ability to respond immediately to nuclear attack had to be maintained and a broad spectrum of military targets covered. This required, furthermore, the triad of bombers, intercontinental ballistic missiles and submarine-launched missiles; on top of this, the maintenance of a reserve of warheads was required, in order to "reconstitute" an essentially bigger arsenal through the reloading of bombers and multiple warhead missiles, if necessary. The document rejected disarmament beyond the thresholds of START II. The review also touched on the possible use of nuclear weapons against "small" nuclear weapon states, states with nuclear weapon programmes and states under surveillance which had acquired biological or chemical weapons.<sup>100</sup> Therefore, on the occasion of the indefinite extension of the Nuclear Non-Proliferation Treaty in 1995, it avoided the explicitly repeated assurance that nuclear

97 Nolan, loc.cit. (Note 11), p. 251. "Miller was more deeply sceptical of Soviet, now Russian, intentions than some members of the new administration seemed and was particularly concerned about unilateral US concessions to Russia until the evidence for Russian conversion to democracy was more compelling".

98 Ebenda p. 262.

99 USC, Senate, Co. on Armed Services, Department of Defense Authorization for Appropriations for FY 95 and the Future Years Defense Programs, Hearings, Washington, D.C. 1994, pp. 995ff.

100 USC 103/2, Senate, Co. on Armed Services, Briefings on Results of the Nuclear Posture Review, Hearings, Washington D.C., Government Printing Office, 1994; Hans M. Kristensen/Joshua Handler, Changing Targets: Nuclear Doctrine from the Cold War to the Third World, Greenpeace Foundation 1995.

weapons would not be used against non-nuclear weapon states. In connection with the American entry to the Treaty on the Nuclear Weapon-free Zone in Africa (the Pelindaba Treaty) a member of the National Security Council clarified that international law permitted proportional retaliation in the event of a hostile use of weapons of mass destruction; in such a case, the American assurance would no longer be legally valid.<sup>101</sup>

It is true that the Presidential Decision Directive 60 (1997) modified the results of the Nuclear Posture Review to the extent that it gave up the policy of "victory in a drawn-out nuclear war" established under Reagan and reduced the number of warheads necessary for American security to 2,000-2,500; the triad structure was, however, maintained and the potentially pre-emptive use of nuclear weapons against "proliferators" further confirmed and specified.<sup>102</sup> The same conservatism found expression a year later in an authoritative analysis conducted by a task force of the Defence Science Board (Pentagon). The board dismissed the task of the strategic triad (especially land-based intercontinental ballistic missiles) as well as a reduction in the level of alertness as rash and possibly destabilising.<sup>103</sup>

There were more reasons in the Clinton administration for maintaining a nuclear weapon arsenal with several thousand warheads: they ranged from the need "to threaten a broad spectrum of values rated by potentially hostile nations" more explicitly Russia, China and "a few" potential proliferators<sup>104</sup> to an insurance against "an uncertain future", for which such an insurance required "a wide spectrum of retaliation options".<sup>105</sup> The fact that other countries could see themselves invited into less comfortable security situations and without the advantage of an exemplary military superiority, at the same time, in support of the American example, provided themselves with weapons of mass destruction as a means of deterrence as an "insurance against an uncertain future" (and what future would not be uncertain?), did not occur to the American military planners.

### 3.3 Nuclear arms control policy

Where the Nuclear Posture Review was concerned, there was relative unity within the administration over the controlled progress of nuclear arms control: it wanted to implement START I and ratify START II. Ratification was delayed, however, until 1996, since the responsible committee chairman in the Senate, Jesse Helms, took the treaty "hostage"

101 George Bunn, *Expanding Nuclear Options: Is the U.S. Negating Its Non-Use Pledges?* *Arms Control Today*, Vol. 26, May/June 1996.

102 Cf. Nolan, *loc.cit.* (Note 11), p. 266. *Arms Control Today*, No. 8, November/December 1997, p. 28.

103 Report of the Defence Science Board on Nuclear Deterrence, Office of the Under Secretary of Defense for Acquisition and Technology, Washington, D.C. 1998.

104 Department of Defense, *Defense Annual Report*, Washington, D.C. 1995, p. 1; Department of Defense, *Defense Annual Report*, Washington, D.C. 1996, Chap. 24; Department of Defense, *Defense Annual Report*, Washington, D.C., 1997. Chap. 20. Original text: "to hold at risk a broad range of assets valued by potentially hostile nations".

105 Department of Defense, *Defense Annual Report*, Washington, D.C. 1998, Chap. 5; Department of Defense, *Defense Annual Report*, Washington, D.C. 1999, Chap. 6.

in order to force reorganisation in the foreign ministry and speed up the missile defence projects. A second priority was the test ban, but the opposition in the laboratories was not completely silenced and continued to provide the conservatives in Congress with ammunition. The administration also pursued a production ban on fissile material for use in weapons (cutoff). The disarmament aid for the successor states of the Soviet Union also enjoyed the support of Congress across party borders.

### 3.3.1 *Test ban – from rigorous efforts to helpless failure*

When Clinton entered office, the test moratorium and the development ban for new nuclear weapons already existed (cf. Section 2.3.3). His administration took over – as announced in the election battle – the arguments in support of a CTBT and in so doing, introduced a fundamental swing in US policy.<sup>106</sup> The role of tests as a deterrence had become obsolete and new types of nuclear weapons should also not be developed. This was also expressly established in the Nuclear Posture Review 1994.

However, the government particularly saw a CTBT as an important means of reinforcing the non-proliferation regime: in 1995, the extension conference of the NPT was due to take place (cf. Section 3.1). For the Clinton government, this represented the core of all non-proliferation initiatives, and – together with Russia and the European allies – it fought for its indefinite extension.<sup>107</sup> For a broad consensus of the non-aligned states, too, which comprised over half the member states, it saw – quite rightly – a concluded, or at least an almost completely negotiated CTBT as key to disarmament. It also saw the positive effects of the CTBT for non-proliferation, since it would take the opportunity away from proliferating countries – new and old – of testing and further developing the ability of their warheads. The states at which these considerations were aimed were non-members in particular of the NPT, who were suspected of possessing nuclear weapons – India, Pakistan and Israel.<sup>108</sup>

Clinton extended the test moratorium several times despite the Chinese test in October 1993. He also decided to keep to the schedule put forward by Congress: a CTBT should be negotiated by September 1996 at the latest. The preceding government had left the option open of conducting a few more tests to improve the security of the warheads, but he declined to do this, against the will of the conservative Congress circles. However, the administration did not play down the further importance of the nuclear weapon arsenal, in fact it stressed it.<sup>109</sup>

106 Cf. Magraw, loc.cit. (Note 64).

107 Harald Müller: *Historische Entscheidung? Zur Verlängerung des Atomwaffensperrvertrages*, Frankfurt (HSFK-Standpunkte No. 5) 1995.

108 The development of hydrogen bombs is impossible without nuclear tests; the development of simple warheads based on nuclear fission only is possible without nuclear tests, however. cf. A. Schaper, *Der Umfassende Teststoppvertrag: kurz vor dem Ziel - oder gescheitert?*, Frankfurt (HSFK-Standpunkte No. 7) August 1996.

109 Also in a report to Congress on the subject of nuclear weapon tests: Report to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives on Nuclear Weap-



This pro-treaty attitude can be attributed to the persistent activities of a multitude of test ban opponents. Their protests also achieved a really "comprehensive" treaty: In April 1993, it was announced that the Clinton administration was developing a plan for a threshold treaty with a low test threshold of one kilo tonne, which was preferred over the Comprehensive Test Ban Treaty. This caused a wave of indignation. The protests included a number of different organisations: the Physicians for Social Responsibility, Greenpeace and various senators. 46 leading newspapers supported a Comprehensive Test Ban Treaty. This eventually caused the Clinton administration to give up the plans for a threshold treaty.<sup>110</sup> It endeavoured in bilateral contact as well as within the framework of the Geneva Conference of Disarmament (CD) to reach a speedy and successful conclusion to the sluggish CTBT talks. In fact, talks began in January 1994.<sup>111</sup>

To appease the domestic lobby from the weapon laboratories, the administration made, admittedly, far-reaching concessions: these included the further dismantling of the test site, for which they set aside 1.5 billion US dollars in October 1995, and the "Stockpile Stewardship Programme", which provided for comprehensive experiments to replace the nuclear tests and furthermore guarantee the safety and working order of the warheads. The essential parts of the programme included the laser fusion aided by the "National Ignition Facility", the costs of which alone ran to over 2 billion US dollars, hydrodynamic experiments, further simulation experiments and tests of components.<sup>112</sup> The Stockpile Stewardship Programme was set up in 1994 and supported in the following years with funds of several billion dollars a year. Critics have asked the question whether such enormous expense did not also serve to undermine the spirit of the Test Ban Treaty which carried the option of developing new nuclear weapons in the future.

This fear was reinforced by the fact that the USA with the other nuclear weapon states were again entering into talks over a test *threshold*, although this was scarcely compatible with the objective of a *comprehensive* test ban. The dispute revolved around the extent of the threshold, which ranged from just a few kilograms of TNT (USA) to several hundred tonnes (France). Even small nuclear tests, as initially desired by the USA, would have opened up far-reaching technical possibilities of further development and would have gone against the spirit of the treaty.

As a reaction to the protests against the French tests, the French made a surprising U-turn: on 10 August 1995, President Chirac announced that France now supported a ban

ons Testing, Required by Section 507 of the FY 1993 Energy and Water Development Appropriations Act, August 1993.

110 Summary of Key Events in the Effort to End Nuclear Weapons Testing: 1945-1999, Compiled by Daryl Kimball, Updated: June 1999, <http://www.clw.org/pub/clw/coalition/ctch4050.htm>.

111 op. cit.

112 JASON and the MITRE Corporation, Science Based Stockpile Stewardship, Report JRS-94-345, November 1994. An overview is Richard L. Garwin, Stockpile Stewardship and the Nuclear Weapon Complexes, Pugwash Meeting No. 206, Moscow, 19-23 February 1995. See also: A. Schaper, The problem of definition: Just what is a nuclear test?, in: Eric Arnett (ed.), Implementing the Comprehensive Test Ban: New Aspects of Definition, Organization and Verification, SIPRI-Research Report, Oxford (Oxford University Press) 1994.

on "all nuclear explosions". The members of the CD interpreted this as a "zero option", which also included a ban on tests with very small energy release. A day later, President Clinton signed up to the zero option; the others followed later. Assumedly, it would never have come so far if France had not been under so much pressure on account of her tests.<sup>113</sup>

In its dual function as a disarmament treaty and non-proliferation treaty, the CTBT offered a basic source of conflict during the talks. The US delegation – like the other nuclear weapon states – attached importance to stressing the components of non-proliferation and playing down disarmament, e.g. in proposed texts for the preamble. This provoked the non-aligned states, all of which rejected the Nuclear Non-Proliferation Treaty led by India who, as a state which had once carried out a nuclear explosion, felt its status neglected. The dispute intensified in the commencement clause which provided that the 44 already named states, including all nuclear weapon states and India, must ratify the treaty. India declared that she did not want to do this under any circumstances. Nobody reckoned on the fact that a few years later, the USA of all countries would herself appear on the list of those refusing to ratify the treaty.<sup>114</sup>

In September 1999, the first special conference of the member states to speed up ratification took place. However, it had no legal means by which to force commencement of the treaty. Shortly after, on 13 October 1999, the US Senate voted on ratification of the CTBT. Owing to internal political disputes, voting was postponed time and again.<sup>115</sup> Contrary to the hopes of many observers, the Senate refused to give consent by a majority of 52 to 48. 67 votes were what was required. The Senate's consultation time was just 13 days. To understand this result, we need to look closely at the events of the preceding months.

The Chairman of the Foreign Committee, Jesse Helms, a conservative Republican and bitter opponent of the CTBT had a crucial influence in the result. When, on 23 September, Clinton submitted the treaty to the Senate for consultation and ratification, Helms also demanded the submission of two other treaties – the Protocol to the ABM Treaty and the Protocol to the Kyoto Climate Agreement, neither of which had anything to do with the CTBT. Otherwise, the committee would not concern itself with the CTBT. The supporters of the CTBT in the Senate, who held the majority, had no legal basis on which to

113 Whether Chirac really meant a zero option with his declaration, will, supposedly, and must never be clarified. But the declaration was interpreted that way in press declarations immediately after, and also by the then German foreign minister Klaus Kinkel.

114 For details of the talks see Rebecca Johnson, *Comprehensive Test Ban Treaty: The Endgame*, ACRONYM Report No.9, 1996, <http://www.acronym.org.uk/acrorep/acro9.htm>; Rebecca Johnson, *A Comprehensive Test Ban Treaty: Signed but not Sealed*, ACRONYM Report No.10, 1996, <http://www.acronym.org.uk/acrorep/acro10.htm>; see also Schaper, loc.cit. (Note 108).

115 Daryl Kimball, *CTBT In Crisis – How The US Senate Rejected CTBT Ratification*, *Disarmament Diplomacy* - Issue No. 40, September/October 1999, <http://www.acronym.org.uk/dd/dd40/40wrong.htm>; Alexander Kelle, *Bröckeln die Pfeiler der multilateralen Rüstungskontrolle? Die Verträge zu den Massenvernichtungswaffen*, in: Ulrich Ratsch et al. (eds.), *Friedensgutachten 2000*, Münster (Lit-Verlag) 2000, p. 259.

influence this decision. Thus, in principle, a single senator was able to block ratification against the will of the majority.

At the end of September 1999, Helms and the conservative Senator Lott, the leader of the majority in the Senate, abruptly changed course and put the treaty up for voting without delay on 7 October. A wave of protest on the part of a number of senators and non-government organisations had led to this change in course as well as an attempt by the democrats to bring about a non-binding agreement on the CTBT.<sup>116</sup> Now, of course, the time for the necessary hearings and debate was far too short. Negotiations to delay the voting date failed – Lott was not prepared to offer a later date. The Senate's procedural rules gave the leader of the majority and the committee opportunities to manipulate and undermine the will of the majority.

Both sides now began to lobby the 20-25 still undecided senators intensely. It was only now that the administration made serious attempts to explain the importance and advantages of a CTBT. It also sought the help of non-government organisations at the same time. Within a short time, following petitions from hundreds of organisations, experts and former military personnel and a wealth of newspaper editorials, the CTBT achieved a great deal of publicity.<sup>117</sup> Yet, it could not make up for the lost time and many of the senators allowed themselves to be convinced by opponents to the CTBT that further nuclear tests were necessary in order to maintain a capacity for deterrence – an argument that could be refuted by experts but not forced through to the decision-makers. When it became clear that the CTBT would not win a majority, a few senators even tried to push back the vote indefinitely – but to no avail.

The failure was not just attributable to the tricks of a few Republican senators in leading positions and the power of these positions. The Clinton administration also neglected to organise a campaign in time which would have led to a broad discussion and particularly more information and clarification being given on the background and motive for a CTBT. Clinton could have set up an office responsible solely for ratification of the CTBT. But Clinton had been too distracted by internal politics, his own scandals and the war in Kosovo.

Following the Senate's decision, Clinton announced that the USA would nevertheless comply with the provisions of the treaty. In the following years, the Americans repeatedly conducted so-called subcritical tests. These concerned experiments with smaller amounts of fissile material, which would not trigger any self-preserving chain reaction. These experiments are not really suitable for the development of new nuclear weapons and do not come under the terms of the ban set out in the CTBT. But owing to the fact that they were conducted underground, that the government invested billions in the maintenance of the

116 In 1996, the Coalition to Reduce Nuclear Dangers began to lobby intensely for the ratification of the CTBT. The Coalition was founded in 1995 and consisted of 14 think tanks and activist groups. See <http://www.clw.org/coalition/index.html>.

117 America's Newspaper Editors Back Test Ban Treaty, Pt. 6: "Calls for Ratification Overwhelming", Coalition to Reduce Nuclear Dangers Issue Brief, 12 October 1999.

test site and failed to clarify the nature of the experiments, they led of immense mistrust and protest worldwide.<sup>118</sup> The mood in international negotiation committees, such as the CD, had therefore turned sour long before the failed ratification.

Even the assurance not to develop any new warheads was increasingly doubted internationally, since the government was putting a lot of effort into a new nuclear earth-penetrating warhead. It concerned a modification of the B61 bomb (B61-11). The warhead itself is not new, just the casing is a new development of hardened steel which bores deep into the earth through its kinetic energy and hardness.

### 3.3.2 Cutoff – from hopeful beginnings to paralysing blockade

In connection with the negotiations surrounding the CTBT, the CD also aimed to negotiate a treaty banning the production of nuclear material for nuclear weapon purposes, known as "cutoff".<sup>119</sup> In 1995, such a treaty – like the CTBT – was also explicitly established as a disarmament aim in the *Principles and Objectives* of the NPT review conferences. Whereas the function of the CTBT is to end the *qualitative* arms race, i.e., to put a stop to the development of new types of nuclear weapons, the cutoff can be seen as its *quantitative* counterpart, limiting the quantity of weapon material. Gorbachov proposed it in 1989, but Bush had rejected it. Nevertheless, by 1992 he had announced the end of American production, together with the end of all further development programmes for new nuclear warheads (cf. Section 2.3.3).<sup>120</sup>

Clinton, on the other hand, made a proposal to the UN General Assembly on 27 September 1993 to ban the production of highly-enriched uranium (HEU) and plutonium for nuclear warheads or plutonium outside international security measures.<sup>121</sup> In January 1994, the CD included cutoff on its agenda and in March 1995 agreed on a negotiation mandate.<sup>122</sup> The delegations struggled with the formulation of this mandate, since they feared that the formulation could anticipate the negotiating positions: the USA and the

118 The Japanese, allies of the USA and others also protested: Associated Press, Japan condemns US test, 27 September 1998.

119 Annette Schaper, *A Treaty on the Cutoff of Fissile Material for Nuclear Weapons – What to Cover? How to Verify?*, Frankfurt (PRIF Reports No. 48) 1997; A. Schaper, *Principles of the verification for a future Fissile Material cutoff Treaty (FMCT)*, Frankfurt (PRIF Reports No. 58) 2001; The expression "cutoff" is somewhat disputed since some delegations not only favour a cutoff of further production but also a ban on possessing and using this material. (Civil use remains unaffected). The use of this term in this report follows the naturalised linguistic usage, but does not represent any judgement of possible negotiating positions.

120 George Bush, *Statement on Nuclear Nonproliferation Efforts*, 13 July 1992. <http://bushlibrary.tamu.edu/papers/1992/92071301.html>.

121 "...Growing global stockpiles of plutonium and highly enriched uranium are raising the danger of nuclear terrorism for all nations. We will press for an international agreement that would ban production of these materials for weapons forever...". Reprinted in: *Arms Control Reporter*, Chronology 850-109. Original text in *New York Times*, 28 September 1993, p. A16.

122 Report of Ambassador Gerald E. Shannon of Canada on Consultations on the Most Appropriate Arrangement to Negotiate a Treaty Banning the Production of Fissile Material for Nuclear Weapons or Other Nuclear Explosive Devices, March 1995, <http://www.acronym.org.uk/fissban/shannon.htm>.

other nuclear weapon states wanted to ban *future* production, many others also wanted *already produced* material included in some way, these included the non-aligned states, but also some Western non-nuclear weapon states and nuclear-weapon-owning Pakistan, who wanted clarification of India's nuclear material stocks.<sup>123</sup> The mandate ("Shannon Mandate") was therefore ambiguously formulated so that each delegation could interpret it in their own way. As early as this dispute, it could be seen that the cutoff – like the CTBT – would not be free of conflict between non-proliferation and disarmament.

At a number of conferences on the subject of cutoff and during consultations, delegates from the USA made it clear that their – own – interest lay quite clearly in the integration of the three states possessing nuclear weapon – India, Pakistan and Israel, i.e., in non-proliferation. India would never accept the inclusion of already produced material – an assessment confirmed by the Indian delegation – therefore, the USA would also exclude it from the mandate.<sup>124</sup> She would decide herself on her own fissile material stocks – this was not a subject for international negotiation. Of course, the cutoff could only enter into force if was ratified by all nuclear weapon states plus the three possessing nuclear weapons, precisely like the CTBT.

But even excluding already existing material, a cutoff would have been important not just for non-proliferation but also for disarmament: verification measures were introduced into the nuclear complexes of the nuclear weapon state. Such transparency would help prepare for the verification of nuclear disarmament and introduce a worldwide system of international safeguards.<sup>125</sup> The position of the Americans regarding verification of a cutoff was clear early on: it should not go beyond the absolute minimum necessary. The idea of orienting verification measures around the international security measures of the IAEA was already rejected by representatives of the US government.<sup>126</sup>

However, it did not get as far as talks. India – angered at the way the CTBT talks had developed (cf. Section 3.3.1) – bound her consent to the setting up of an ad-hoc committee with the simultaneous start of talks on a world free of nuclear weapons. This deal was categorically rejected by the USA, as well as proposed compromises from other delegations, such as a "discussion forum on nuclear disarmament"; although increasingly more

123 The enormous stocks of weapon-grade nuclear material in the nuclear weapon states would be enough to rearm above the maximum of the Cold War; cf. Schaper, loc.cit. (Note 119).

124 See e.g. Fred McGoldrick: Scope of a Fissile Material Cutoff and Verification Approaches, Working Paper, U.S. Department of State, November 1995. See also: Michael Guhin, Arms Control and Disarmament Agency, Remarks on Negotiating an End to Fissile Material Production, 7th Carnegie International Non-Proliferation Conference 11-12 January 1999, Washington, D.C., <http://www.ceip.org/files/events/Conf99Guhin.asp>

125 A. Schaper, The Case for Universal Full Scope Safeguards on Nuclear Material, *The Nonproliferation Review*, Vol. 5, No 2, p. 69, Winter 1998; Schaper, loc.cit. (Note 119).

126 See McGoldrick, loc.cit. (Note 124); Guhin, loc.cit. (Note 124). See also Jonathan Sanborn, FMCT Verification at Reprocessing and Enrichment Plants, Presentation at the FMCT Workshop, 14-15 May 2001, Palais des Nations, Geneva.

delegations came to the opinion that this subject could not be avoided.<sup>127</sup> Thus, the CD blocked itself and fossilised into paralysing inactivity.

The Indian and Pakistani nuclear tests in spring 1998 had the paradoxical effect of giving the appearance that the CD had got moving again. India, who now saw herself as a nuclear weapon state, appeared to give way.<sup>128</sup> In August 1998, the CD agreed to set up a negotiating committee based on the Shannon mandate. The hope proved, however, to be false, since the start of talks was adjourned to the next year. Meanwhile, new conditions emerged: China, who until then had supported cutoff talks, now demanded the parallel appointment of a committee to negotiate on the Prevention of Arms Race in Outer Space (PAROS). This idea had been motivated by American missile defence plans and discussions on the ABM Treaty. The USA, however, rejected such talks. It also became clear that the administration had lost interest in cutoff as Clinton's term in office came to an end. It failed to develop any new initiatives or considerations, and agents concerned with the subject were given other areas to work in. American non-government organisations continued to remain passive in the matter.

### 3.3.3 CTR – to improve the safety of the Russian nuclear complex

The collapsed Soviet Union left behind an enormous nuclear weapon complex, concerned with the development, production and maintenance of nuclear weapons (cf. Section 2.3.4). The cooperation programme brought to life by the Bush government and supported by the DoD (Department of Defence) which aimed to reduce these dangers (Cooperative Threat Reduction, CTR) and which served disarmament as well as non-proliferation, was expanded considerably by the Clinton administration. Its job was to cooperate with the successor states of the Soviet Union based on several objectives:<sup>129</sup>

- To improve the safety of warheads through storage away from conflict zones,
- to register and inventarise these warheads carefully,
- to improve their safety in the event of an accident,
- to disarm and dismantle these warheads safely,
- to help in the social support and reemployment of weapons scientists to prevent these from moving to third countries,
- to expand military contact between the USA and the successor states,
- to convert production facilities to commercial use,
- to remove radiation damage from the environment, especially in the Arctic.

127 Rebecca Johnson, Frustration That the CD Isn't Working, Disarmament Diplomacy - Issue Nr 34, <http://www.acronym.org.uk/dd/dd34/34genev.htm>.

128 Rebecca Johnson, FMT: Breakthrough at Last at the CD, September 1998, <http://www.acronym.org.uk/fissban/fmctaug.htm>.

129 William Potter/John Shields, Assessing the Dismantlement Process, in: W. Potter/J. Shields (eds.), Dismantling the Cold War – U.S. and NIS Perspectives on the Nunn-Lugar Cooperative Threat Reduction Program, Cambridge (MIT Press) 1997.

Supporters of the CTR Programme extolled it as a worthwhile investment in US security.

After Clinton came to office, it continued to move slowly at first. In 1995, only 150 million of the 1.2 billion dollars set aside since 1991 had been spent.<sup>130</sup> There were several reasons for this: firstly, it bothered some of the decision-makers in the administration that it had been started by the preceding government. They did not oppose it, but they lacked enthusiasm. The second reason lay with the bureaucracies of the cooperating partner who were scarcely compatible with each other. On the American side, the allocation procedures moved forward ever so slowly – suffocated by complicated guidelines. On the side of the recipient states, especially Russia, a restrictive information and access policy to sensitive sites blocked progress. The third and final reason lay in the fact that the allocated funds had to be stretched to other activities of the DoD – and that was bound up with internal distribution battles. So, the frustrations and resistance to the CTR Programme and its unsatisfactory implementation grew in the USA and in the recipient countries.

These frustrations were intensified on the American side by the radical deferment of political priorities as a consequence of the Congress elections in autumn 1994. These elections brought some declared opponents of foreign aid in general and of aid for the former Soviet Union in particular to power. As a consequence of the change in personnel and the motto "America first", some components of the activities were deleted altogether, others were transferred by the DoD to other ministries. The original optimism gave way more and more to scepticism and disillusionment. The delay in important market economy reforms in Russia, the emergence of nationalistic groups and the rehabilitation of the Communist Party, the antidemocratic measures of President Yeltsin and rumours of the continued development of Russian biological weapons also contributed. On the Russian side, too, the readiness to cooperate waned. The reasons included NATO expansion, American criticism of the Russian export of reactor technology to Iran, the Chechen campaign and detailed and incomprehensible controls on individual projects on the part of the Americans. This bred further mistrust of America's intentions with the cooperation, i.e., suspicion of espionage. In particular, it disturbed partners in projects that it was always the US companies that won the lucrative jobs and not the Russian competitors who often put forward more favourable offers. This meant that the Russians missed out on the chance of creating thousands of jobs in a sector which due to nuclear disarmament and Russian budget problems was suffering from serious underemployment.

It is true that the administration continued to hold that cooperation with Russia in the disarmament of weapons of mass destruction was in American security interests, but the critical votes in and outside the government were growing.<sup>131</sup> There were, however, influ-

130 Potter et al, loc.cit. (Note 129).

131 Examples are: Richard S. Soll, Misconceptions about the Cooperative Threat Reduction Program, Director's Series on Proliferation No. 8, Lawrence Livermore National Laboratory, 1 June 1995; Rich Kelly, The Nunn-Lugar Act: a Wasteful and Dangerous Illusion, Foreign Policy Briefing, Cato Institute, 18 March 1996; Baker Spring, The Defense Budget for Defense: Why Nunn-Lugar Money Should Go to the B-2, Executive Memorandum, Heritage Foundation, 1 August 1995; Michael R. Gordon, Despite Cold War's End, Russia Keeps Building a Secret Complex, New York Times, 16 April 1996, pp. A1 and A6.

ential supporters in Congress, motivated and led by Senator Sam Nunn, who protected the CTR Programme from further cuts.

Major progress was made despite all the difficulties. The Clinton administration extended the CTR and initiated a raft of additional projects. The DoE took overall control of all projects concerning MPC&A (material protection, control & accountancy) in the most sensitive nuclear facilities. At the government level, the department cooperated directly with the Russian energy ministry (Minatom). It became apparent that projects run a lot more successfully, when they circumvent bureaucracies and scientists can work together directly. To this end, the laboratories of the DoE, especially Los Alamos, Livermore and Sandia, stepped up cooperation with the relevant Russian research organisations – with great success. The State Department took over the job of promoting projects aimed at improving the export controls of sensitive technologies.

Other Western governments also participated.<sup>132</sup> The collaboration in the International Technology Centre in Moscow, that promotes civil projects of former nuclear weapons scientists (and other WMD scientists) to stop them from emigrating and spreading their sensitive knowledge, enjoys particular success. From 1992-2000 it was funded with almost half a billion US dollars, of which 38.5% came from the USA, 31.3 % from Japan and the rest from other industrial countries. Over 11,500 Russian scientists profited from ISTC.<sup>133</sup> Over the years, the cooperation partners learnt from their initial mistakes.

An important area of activity is the disposal of superfluous nuclear material from nuclear weapons – highly enriched uranium (HEU) or plutonium. Where HEU was concerned, a pragmatic solution offered itself: it could be processed into non-weapon-grade reactor fuel and used commercially. For plutonium, however, there is no simple solution. Studies into this problem already started to appear at the start of the 1990's. The first study, which was a standard for all further policy, came from the US National Academy of Sciences (NAS).<sup>134</sup> It systematically defined criteria for evaluating options, in particular one that aims to describe the degree of disarmament. It is called the "spent fuel standard" and since then has been used by the US government in all decisions regarding the disposal of plutonium. Since then, the disposal of plutonium has remained a prominent item on the disarmament agenda. In contrast, the disposal of HEU has hitherto been given too little attention, although it represents a major proliferation problem due to the far greater volumes, the long disposal periods and especially due to its simpler technical manageability.

132 Other government specialised mainly in individual projects: For European activities see Kathrin Höhl, Harald Müller and Annette Schaper, Edited by Burkard Schmitt, EU cooperative threat reduction activities in Russia, Chaillot Paper 61 - June 2003, <http://www.iss-eu.org/chaillot/chai61e.html>. The American efforts regarding CTR exceed those of other countries by a long chalk. (The cooperation of the EU with Russia regarding general economic reconstruction exceeds American CTR expenditure.).

133 TACIS Regional Cooperation. Annex C: The ISTC/STCU Indicative programmes for 2002-2003. [www.europa.eu.int/comm/external\\_relations/ceeca/rsp/index.htm](http://www.europa.eu.int/comm/external_relations/ceeca/rsp/index.htm) 21 March 2002, p. 32.

134 National Academy of Sciences (NAS), Committee on International Security and Arms Control (CISAC), Management and Disposition of Excess Weapons Plutonium, Washington 1994.



Although other disarmament initiatives by all other US administrations, i.e., the START process, the disarmament of tactical nuclear weapons and CTR at sensitive facilities, continue to be limited to bilateral cooperation with Russia, in the disarmament of plutonium, the Clinton government strove for more internationality for one simple reason: it turned out that all kinds of plutonium disposal, especially the single realistic one, i.e., processing the material into reactor fuel, were very expensive. The costs are estimated at 2-3 billion US dollars.<sup>135</sup> In September 2000, six years after the NAS study, the USA and Russia concluded an agreement concerning the disposal of plutonium despite their differing opinions on nuclear energy policy,<sup>136</sup> which took into account the support of a third party. Nevertheless, the treaty initially only provided for bilateral verification. It is true that it does not exclude possible internationalisation through the inclusion of the IAEA, such realisation, however, is non-binding.<sup>137</sup> Some of the governments approached (in particular the G8) still had the effects of a future cutoff treaty in mind, since they wanted more transparency and rapid internationalisation of the verification process. However, this found little accommodation among the two nuclear superpowers.<sup>138</sup>

### 3.3.4 *Transparency – essential for more credible nuclear disarmament*

Progress in nuclear disarmament will depend on whether the nuclear weapons and – complex and disarmament-relevant information becomes more transparent. Steps, such as the disarmament of additional warheads or the disposal of excess weapon material are more convincing, the more credible and transparent their verification. However, large areas of this information are still subject to secrecy in the nuclear weapon states, even in the USA.

In December 1993, the then German Foreign Minister Kinkel proposed a nuclear weapon register to the United Nations.<sup>139</sup> This proposal – an element of Kinkel's 10-point initiative – would have been a logical consequence of the unilateral disarmament of tactical nuclear weapons, which the USA and the former Soviet Union had announced but

135 Annette Schaper, *Deutsche Abrüstungshilfe für russisches Waffenplutonium – Ein Plädoyer*, in: Reinhard Mutz et al. (eds.), *Friedensgutachten 2001*, Münster (Lit-Verlag) 2001, p. 283.

136 Text on the Internet under: <http://twilight.saic.com/md/docs/pudispagree.pdf>.

137 It is unlikely that the necessary means will happen in the foreseeable future, see Schaper, loc.cit. (Note 135).

138 IAEA controls of disarmament plutonium were promised for many years by the nuclear weapon states and called for by the international community. Examples are: a common position held by the G-8 during the Moscow Summit in 1996 (Moscow Nuclear Safety and Security Summit Declaration, April 20, 1996), a joint paper from the P5 at the NPT Inspection Conference in May 2000 (Letter dated 1 May 2000 from the representatives of France, the People's Republic of China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the President of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, NPT/Conf.2000/21) and a paper by the EU Council at the same Inspection Conference (Council Common Position of 13 April 2000 relating to the 2000 Review Conference of the Parties to the Treaty on the Non-proliferation of Nuclear Weapons Official Journal L 097 , 19/04/2000 p. 0001 (Document 400X0297).

139 UN General Assembly, 48th Session, First Committee, Agenda item 71 (c), 8 November 1993.

lacked any transparency (cf. Section 2.3.2.). The nuclear weapon states rejected Kinkel's proposal, however. The rejection, even by the Americans, was surprising since it had been expected that the Clinton administration would strike a different course to his predecessors.<sup>140</sup> Even now, the United States preferred to offer transparency in the area of nuclear disarmament only on a voluntary basis – for example, within the framework of the NPT inspection process – and not to undertake any binding commitments.

In contrast, the American and Russian governments sought for more transparency in nuclear disarmament *bilaterally*.<sup>141</sup> The verification of the START Treaties only provided for the destruction of the carriers, but not those of warheads, since, in the view of both sides, the latter would disclose too much sensitive information. In 1994, they implemented the first initiative for the transparency of warheads and material, the "Safeguards, Transparency, and Irreversibility (STI) Initiative", aimed at a "specific agreement". They promised to exchange detailed information on stocks of warheads and nuclear material, their physical protection and safety.<sup>142</sup> The following talks, in autumn 1995, failed however. Nevertheless, both sides did not give up efforts, instead they shifted them to the cooperation between the weapons laboratories which were jointly researching how to verify the dismantling of nuclear warheads without exposing sensitive information at the same time. This successful cooperation ultimately led to the joint declaration by Clinton and Yeltsin at the Helsinki Summit in 1997 for a future START III treaty, in which they promised "measures relating to the transparency of strategic nuclear warhead inventories and the destruction of strategic nuclear warheads..."<sup>143</sup>

Both sides also worked towards international transparency. They began talks with the IAEA with the aim of putting nuclear material from nuclear disarmament under the control of the IAEA's verification measures. These talks became known as the "Trilateral Initiative".<sup>144</sup> They wanted to evoke confidence that steps in nuclear disarmament really were irreversible. The talks were slow and drawn-out but were carried on beyond the Clinton administration.

Alongside these international activities and as part of its declared policy of openness, the Clinton administration seriously practised and engaged itself more in internal transparency, putting itself far ahead of all other nuclear weapon states: at the end of 1993, as

140 Harald Müller: *The Nuclear Weapons Register – a Good Idea Whose Time Has Come*, Frankfurt (PRIF Reports No. 51), 1998.

141 Oleg Bukharin/Kenneth Luongo, *U.S.-Russian Warhead Dismantlement Transparency: The Status, Problems, and Proposals*, PU/CEES Report No. 314, Princeton, April 1999.

142 Joint statement after the Yeltsin-Clinton summit, BBC Summary of World Broadcasts, 12 May 1995, Section: Part 1 Former USSR, Russia, SU/2301/B.

143 President Clinton and President Yeltsin, *Joint Statement on Parameters on Future Reductions in Nuclear Forces*, White House Fact Sheet, Helsinki, 21 March 1997, printed in: *Disarmament Diplomacy*, April 1997, p. 32.

144 43rd IAEA General Conference, Press Release PR 99/10, *IAEA Verification of Weapon-Origin Fissile Material in the Russian Federation and the United States*, 27 September 1999; Thomas Shea, *Verification Of Weapon-Origin Fissile Material In The Russian Federation & United States*, IAEA Bulletin, Vol. 41, No. 4, 1999, p. 36.

part of this openness, the DoE set up various consultation committees, which examined the principles along which secrecy or publication would be decided.<sup>145</sup> In June 1998, new guidelines on the confidentiality of information came into being as a result of the advice from these committees.<sup>146</sup> The public should have the opportunity to make their own political judgements, especially in the areas of the environment, safety, health and pure sciences.<sup>147</sup> Information, the publication of which, however, would jeopardise "national security", should remain secret. This classification should follow comprehensible and transparent rules. Abuse, e.g. secrecy in order to cover corruption or to obtain competitive advantages, should no longer be possible.

As a consequence of this reform, the DoE declassified large quantities of technical information on nuclear warheads. Since this information was known already anyway, the DoE could see – in compliance with the new criteria – no danger of proliferation, but rather it made pure research easier. Even the danger that an opponent might get a clearer picture of the state of the art of American nuclear equipment, no longer appeared to exist.<sup>148</sup> Another, very notable consequence of the openness initiative is the publication of data on the American production and use of plutonium from 1944 to 1994.<sup>149</sup> It can be seen as an important preliminary stage to internationally agreed transparency measures regarding weapon-grade material – a requirement raised time and again in the discussions on cutoff (cf. Section 3.3.2).

Conservative circles, especially Congress with its conservative majority, watched the efforts for transparency with increasing suspicion. On several occasions, Congress politicians accused the administration and especially the then Energy Minister O'Leary of betraying secrets and damaging US national security. Towards the end of Clinton's term in office, the efforts lost their impetus. One indicator is the scandal over alleged attempts at espionage by the Chinese at the nuclear weapons laboratory in Los Alamos. A report from Congress on these accusations, the so-called "Cox Report"<sup>150</sup>, resulted in a wave of new restrictions and calls for more secrecy and less international cooperation, although a number of experts criticised the report on account of many serious and obvious errors. Among these critics were highly-respected and influential government advisors, including

145 U.S. Department of Energy, Openness Advisory Panel, *Responsible Openness: An Imperative for the Department of Energy*, August 25, 1997; Albert Narath (Chair), *Report of the Fundamental Classification Policy Review Group, Unclassified Version*, Issued by the Department of Energy, October 1997, <http://www.doe.gov/html/osti/opennet/repfcprg.html>.

146 Department of Energy, Office of the Secretary, 10 CFR Part 1045, RIN 1901-AA21, *Nuclear Classification and Declassification, Action (Final Rule)*, Effective Date: June 29, 1998.

147 This policy should strengthen the "Freedom of Information Act". This Act gives citizens the right to all information from the government except for information which is explicitly classified as "secret".

148 U.S. Department of Energy, Office of Declassification, *Restricted Data Declassification Policy 1946 to the Present (RDD-6)*, 1 January 2000, <http://www.osti.gov/opennet/rdd-6.pdf>. This document lists on more than a hundred pages technical details which are now officially declassified.

149 Department of Energy, *Plutonium: The First 50 Years*. United States plutonium production, acquisition, and utilization from 1944 to 1994, Washington, D.C., February 1996.

150 Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China, *Congressional Report*, 25 May 1999, <http://www.house.gov/coxreport/>.

Wolfgang Panofsky and Richard Garwin.<sup>151</sup> Startled by the general hysteria, even the politically conservative scientists at the nuclear weapon laboratories called for common sense to prevail since they could see and feared that their international cooperation would be jeopardised, that foreign colleagues on site would lose their basis for work.

### 3.3.5 Non-proliferation policy

The new emphasis on "counterproliferation" did not lead to a complete devaluation of conventional nuclear non-proliferation policy. In fact, it was pursued very energetically on two levels:

- against the main "problem children" – North Korea, Iran and Iraq
- in the preparation for and assessment of the Extension Conference for the Nuclear Non-Proliferation Treaty.

#### *Dealing with "problem states"*

The most serious problem with which the Clinton government had to deal with was unquestionably the crisis over the North Korean nuclear weapons programme. In 1991/2, North Korea gave false details to the IAEA to disguise the fact that it had processed more plutonium than the government was prepared to admit. When the IAEA discovered this breach of the NPT, matters came to a dangerous head: North Korea declared her withdrawal from the NPT, the United States looked into the military options of destroying the nuclear capacity of the communist country, and the Security Council investigated the idea of threatening sanctions as a way of applying pressure, but due to China's refusal, it was not in a position to carry this out. In this situation, the Clinton administration resorted to bilateral diplomacy outside the framework of the regime, which in spring 1994 became an easier option thanks to the voluntary trip by the former President Carter to Pyongyang. The talks resulted in the conclusion of a "framework understanding", according to which North Korea would receive two nuclear power reactors and in a countermove would end its domestic nuclear programme and – gradually – permit the IAEA access to all nuclear facilities, including those which hitherto had remained closed to the agency. In any case, this crucial step would only become possible once essential components for the reactors had been delivered. That was how the North Korean Agreement came into being, initially in formal breach of the NPT. The serious crisis had been averted and the perspective created that the breach against the NPT would be cured within a decade.<sup>152</sup> In a similar dila-

151 Richard L. Garwin/Wolfgang K.H. Panofsky, Nuclear Secrets: Rush to Judgement Against China, International Herald Tribune, 3 August 1999, [http://www.fas.org/rlg/edgarwin\\_2.html](http://www.fas.org/rlg/edgarwin_2.html); Alastair Iain Johnston/W. K. H. Panofsky/Marco Di Capua/Lewis R. Franklin, The Cox Committee Report: An Assessment, Stanford (CISAC) December 1999; Richard L. Garwin, Why China Won't Build U.S. Warheads, Arms Control Today, April/May 1999.

152 PPNN Newsbrief 21, 1st Quarter 1993, pp. 1ff; PPNN Newsbrief 22, 2nd Quarter 1993, pp. 1ff; PPNN Newsbrief 23, 3rd Quarter 1993, pp. 23 ff.; PPNN Newsbrief 24, 4th Quarter 1993, pp. 1 ff.; PPNN Newsbrief 25, 1st Quarter 1994, pp. 1 ff. PPNN Newsbrief 26, 2nd Quarter 1994, pp. 1 ff.; PPNN Newsbrief 27, 3rd Quarter 1994, pp. 1ff.

tory way, the Clinton administration later resolved the conflict over the development of North Korean long-range missiles – North Korea agreed to a moratorium, the USA eased economic sanctions.<sup>153</sup>

Clinton proceeded quite differently with Iran. In this case, there had been rumours for years that the Mullah country was running a secret nuclear weapon programme that was not under the supervisory watch of the International Atomic Energy Agency, but was being monitored by Revolution Watch and the Secret Service. The dialogue mainly concerned attempts at purchasing centrifuge enrichment technology. However, there was no conclusive proof. The Clinton administration continued the strict technology blockade against Iran and tried with enormous effort to persuade its own allies, Russia and China to follow suit. Proposals, to finish the half-finished Busheer nuclear power station with Western engineering and , in return, to demand from Iran extended commitments – more transparency, the discontinuation of enrichment and reprocessing, the removal of spent fuel – which went beyond the NPT and also the agreement with North Korea, were rejected by the USA. The USA pursued a long, and eventually fruitless dispute with Russia as to whether Moscow should give up nuclear cooperation with Iran altogether. In any case, she did manage to stop the burgeoning transfer of Russian enrichment technology. She did not seriously pursue dialogue with Iran. She justified the unequal treatment between Iran and North Korea by saying that North Korea already had what Iran wanted – actually an ideal incentive for Iran to try all the harder!<sup>154</sup>

In Iraq, the Clinton administration had to contend with the continued attempts of the Iraqi government to rescue the remains of its weapons of mass destruction programmes by deceiving, intimidating and hindering the inspectors. The administration ultimately succeeded in the nuclear sector at least; here, after 1995, the IAEA was convinced that it had cleared up and, to a large extent, liquidised the programme. The picture was different where biological and chemical weapons were concerned. For a long time the Clinton government had looked on at events in Iraq with an amazing amount of indifference. Only the no-fly zones in the north and south were maintained, occasionally with the use of military might. However, during the work with the counterproliferation initiative, the administration, – i.e., long before Bush Junior – came to the conclusion that the problem could ultimately only be resolved with a change of regime. In response to gradual provocations from Saddam Hussein, Clinton focused on military containment without enforcing the firm implementation of Security Council resolutions 687 and 715 unilaterally or via the United Nations. Military action was selective, the ”regime change” policy was not rigorously pursued. When Iraq seriously hindered the inspections in 1998, the USA bypassed the Security Council in winter 1998 by way of a daring legal interpretation: the breach against resolutions 687 and 715, in the view of the USA, placed Iraq back to her

153 PPNN Newsbrief 47, 3rd Quarter 1999, pp. 16ff.

154 Shahram Chubin, *Iran's national security policy : capabilities, intentions and impact*. Washington, DC: (Carnegie Endowment for International Peace) 1994; David A. Schwarzbach, *Iran's nuclear program: energy or weapons?*. - Washington, DC (NRDC) 1995, *Nuclear weapons databook / Natural Resources* (Defense Council); Anthony H.Cordesman, *Iran and nuclear weapons*. - Washington, DC (CSIS) 2000.

status before the armistice and entitled the combatants to renew hostilities. On this basis, the USA together with Great Britain carried out the "Desert Fox" air force operation which aimed to set back the military reconstruction of Iraq.<sup>155</sup>

#### *The extension of the NPT*

The biggest non-proliferation project of the Clinton administration was the indefinite extension of the Nuclear Non-Proliferation Treaty, the duration of which had initially been set for 25 years after its commencement (1970). The diplomatic campaign, drawn up by the Arms Control and Disarmament Agency under the control of the deputy leader Thomas Graham and covered direct contact between President Clinton and the heads of state of especially important key countries – South Africa, Mexico – was conducted with much rigour, occasionally also with intense pressure exercised on the likes of Venezuela and the Philippines. At the conference itself, US diplomacy proved itself to be skilled and flexible. The requirement expressed by South Africa to provide the NPT in future with an "expanded inspection process" and to establish consensually a series of specific standards ("principles and objectives"), against which fulfilment of the treaty would be measured, was accepted by the USA and implemented against cautious parties (e.g. Russia). The standards included e.g. the conclusion of a Test Ban Treaty by 1996, further "systematic" reductions in nuclear weapon arsenals and greater transparency in export control policy. The American government also finally accepted the demand from the Arabic member countries, to address the problem of Israel's possession of nuclear weapons critically in a special resolution on the Middle East. Of course, the US delegation fought hard with each formulation. The fact that Washington was at all prepared, however, to tolerate this critical document goes to show how much store this government set by the multilateral non-proliferation regime.<sup>156</sup>

In connection with the indefinite extension of the NPT, the reform of the NPT verification system within the framework of the International Atomic Energy Agency was also successfully concluded. This of course demanded concessions from the non-nuclear weapon states and only marginally affected the nuclear weapon states. All the same, the USA was more prepared to allow certain elements of the new system to be used, on herself too, than other nuclear weapon states.<sup>157</sup>

In the period afterwards, however, the American will, to really subject herself to the decisions made in 1995, notably waned. It is true that the Test Ban Treaty was concluded in accordance with the programme in 1996, even though three years later, American entry was rejected by Senate (cf. Section 3.3.1). During the preparation process for the next

155 Cf. Hyland, loc.cit. (Note 24), pp. 174 ff.; Marc Weller, The US, Iraq, and the Use of Force in a Unipolar World, in *Survival*, Vol. 41, No. 4, Winter 1999/2000.

156 Harald Müller, Historische Entscheidung? Zur Verlängerung des Atomwaffensperrvertrages, Frankfurt, (HSFK-Standpunkte Nr. 5) 1995; Tom Zamora Collina, South Africa Bridges the Gap, in: *The Bulletin of the Atomic Scientists*, Vol. 51, No. 4, July/August 1995, pp. 30f; Lewis A. Dunn, High Noon for the NPT, in: *Arms Control Today*, Vol. 25, No. 6, July/August 1995, pp. 3-9.

157 Susanna van Moyland, A New Era in Safeguards: Assessing the IAEA Model Protocol, in: *Disarmament Diplomacy*, 16 June 1997, pp. 5-11, esp. p. 10.

Inspection Conference (2000), however, the American delegation behaved as if the decisions of 1995 had never existed: it was the treaty which was to be inspected, according to the American position, not the "principles and objectives", which, however, had been set by the Extension Conference as the very inspection standards! The Middle East resolution of 1995 should not constitute an obstacle to inspection in any way. When the Americans extended their "deconstruction policy" against the agreements of 1995 to procedural matters as well (they refused at first to hear anything about the then intended "subsidiary bodies" for the 2000 conference, i.e., workgroups for individual special matters), a row threatened to break out at the Inspection Conference.<sup>158</sup> Contrary to expectation, it did not get so far, because at the conference, the USA was surprisingly, yet very diplomatically and compromisingly, persuaded. In a joint declaration from the five nuclear weapon states the most controversial problem, the ABM Treaty, was alleviated by a compromise in the formulation. During negotiations, the USA showed herself to be even more obliging than other nuclear weapon states when it came to elaborating and specifying the "principles and objectives" of 1995. The conference ended with a consensus not least due to the skill of US diplomats – another indication of how important the NPT was to the USA under Clinton: In view of the risks, brought about through the South Asian tests and the continued problems with North Korea, Iraq and possibly also Iran, it was preferred not to expose the regime to the crisis through open dispute amongst its members.<sup>159</sup>

### 3.3.6 *Discourse on further nuclear disarmament*

The Cold War ended at the start of the 1990's. Following the conclusion of the two START Treaties, nuclear disarmament appeared to be on course. Therefore, an optimism grew that the process would continue. In addition to the disarmament of tactical nuclear weapons, the indefinite extension of the NPT and the talks on arms control treaties also supported this optimism: new nuclear weapon-free zones were negotiated, and more states joined the NPT. In the long term, the international community no longer saw full nuclear disarmament as pure utopia.<sup>160</sup> Two international institutions made major contributions to the delegitimation of nuclear weapons. The first was the Canberra Commission for Nuclear Disarmament which was set up in autumn 1995 by a Western-oriented government, Australia, and which aimed expressly at the complete elimination of all nu-

158 Rebecca Johnson, Reviewing the NPT: The 1997 PrepCom, in: *Disarmament Diplomacy*, 14 April 1997, pp. 9-24; Tariq Rauf, The 1998 NPT PrepCom: Missed Opportunities, in: *Disarmament Diplomacy*, 26 May 1998, pp. 21-26; Rebecca Johnson, Divisions and Doubts at the Third NPT PrepCom, in: *Arms Control Today*, Vol. 29, No. 3, April/May 1999, pp. 14-19.

159 Norman A. Wulf, Observations From the 2000 NPT Review Conference, *Arms Control Today*, Vol. 30, No. 8, November 2000, pp. 3-9; Tariq Rauf, An Unequivocal Success? Implications of the NPT Conference, *Arms Control Today*, Vol. 30, No. 6, July/August 2000, pp. 9-16.

160 Harald Müller, Katja Frank, Alexander Kelle, Sylvia Meier, Annette Schaper: *Nukleare Abrüstung - mit welcher Perspektive? Der internationale Diskurs über die nukleare Rüstungskontrolle und die Vision einer kernwaffenfreien Welt*, Frankfurt (HSFK-Report, No. 8) 1996.

clear weapons. It presented its report in January 1997.<sup>161</sup> The second was the International Court of Justice in The Hague, which concerned itself with the legality of nuclear weapons and which came to the conclusion on 8 July 1996 that threatening with or using nuclear weapons contravened international law in practically all armed conflict.<sup>162</sup>

Lots of initiatives of this kind were also developed in the USA. They were triggered in particular by the indefinite extension of the NPT.<sup>163</sup> A widely diverse spectrum of non-government organisations in the form of research institutes, think tanks and grass roots organisations acted as innovators for the government's disarmament policy. In government circles, too, the readiness to consider the elimination of all nuclear weapons as a possible end goal to the disarmament process grew. Much noted studies on a future nuclear order or complete disarmament were presented by the *Committee on International Security and Arms Control (CISAC)* of the National Academy of Sciences, the *Henry L. Stimson Center* and the *Atlantic Council*.

CISAC, a traditionally very influential and highly-regarded policy advisory committee, published a study on future American nuclear weapon policy in 1997.<sup>164</sup> Based on the Nuclear Posture Review published at the end of 1994 (cf. Section 3.2.), it recommended in a first step, far-reaching reductions backed up by political measures as a way of reducing the importance of nuclear weapons. In a second step, the attempt should be made to legitimise nuclear weapons, in international law too. This study can be seen as an expression of a discussion which it typically was in large parts of academic circles. However, by the time of publication, the Clinton administration had been weakened to take up proposals in the study.<sup>165</sup>

The Stimson Center project aimed expressly at the dismantling of weapons of mass destruction. In February 1995, it submitted its first report – a kind of stocktaking of the nuclear arms control process and disarmament process.<sup>166</sup> In it, it called for a national American, but also international debate on the long-term goals of disarmament. Due to a lack of long-term perspective in the Nuclear Posture Review published under the Clinton

161 Report of the Canberra Commission on the Elimination of Nuclear Weapons, presented to the Conference on Disarmament by the Australian Minister for Foreign Affairs on 30 January 1997, <http://www.dfat.gov.au/cc/cchome.html>.

162 International Court Of Justice, Legality Of The Threat Or Use Of Nuclear Weapons, Year 1996, 8 July, General List No. 958, July 1996, [http://www.dfat.gov.au/intorgs/icj\\_nuc/unan5a\\_a.html](http://www.dfat.gov.au/intorgs/icj_nuc/unan5a_a.html).

163 Interview with Ambassador Tom Graham, Norfolk, 5 June 1996.

164 National Academy of Sciences, Committee on International Security and Arms Control, *The Future of U.S. Nuclear Weapons Policy*, Washington, D.C., 1997.

165 In contrast, a study from the CISAC dated 1991 had enormous influence on the Bush administration: It recommended a further reduction in American strategic nuclear weapons to a level of 3,000 to 4,000 warheads and the drastic reduction of tactical nuclear weapons – both recommendations were implemented (cf. Sections 2.3.1 and 2.3.2), National Academy of Sciences, *The Future of the U.S.-Soviet Nuclear Relationship*, Washington, D.C., 1991.

166 Cf. The Henry L. Stimson Center: *Beyond the Nuclear Peril: The Year in Review and the Years Ahead*, Report of the Steering Committee, Project on Eliminating Weapons of Mass Destruction, Report No.15, Washington, D.C., January 1995.



administration, the second publication of the Stimson project addressed precisely this matter.<sup>167</sup> In it, the authors proposed an "evolutionary" approach to a phased reduction of the US nuclear weapon arsenal. In any case, at the beginning of such a process, the US government was to commit itself to the objective of worldwide elimination of all weapons of mass destruction.

Publications conducted by the Atlantic Council, *Further Reins on Nuclear Arms Project*, argued along a similar vein.<sup>168</sup> It recommended, as a next step beyond the maximum limit of strategic nuclear weapons agreed in START II, agreeing to a top limit of 1,500 to 2,000 deployed warheads bilaterally between the USA and Russia. Next, the arsenals of all nuclear weapons states should be reduced to 100-200 warheads. This reduction would be supplemented by supporting measures, such as *No-First-Use* declarations by nuclear weapon states or increased non-proliferation efforts. Under certain conditions – additional nuclear weapon-free zones, prior conclusion of a CTBT and cut-off treaty and a ban on all land-based ballistic missiles – complete nuclear disarmament could be sought by a non-specified date.

Together, these three projects constituted an attempt to set the reduction of nuclear weapons comfortably alongside future US nuclear strategy. It was precisely this link that was the weak point in the Clinton administration's security policy. The formulation of the US Nuclear Posture appeared to have shown little consideration of the consequences for the non-proliferation and disarmament goals of American security policy (cf. Section 3.2).

### 3.4 Summary

The ambivalence of nuclear policy was maintained during the Clinton administration, in fact, it intensified somewhat. The Nuclear Posture Review continued the conservative planning and strategy-making and safeguarded the continuity of the nuclear forces in structure and doctrine. The counterproliferation initiative accelerated the dynamic element of a new perception of threat, which also had consequences for nuclear strategy and began to orchestrate non-proliferation policy militarily. This trend had already peaked in Iraq under Clinton. It is typical that the doubt in the ability of the "major" opponents (Russia, China) to develop democratically and the maniacal difference between the democratic nature and the totalitarian character of the "rogue states" provided the essential ideological justification for the strongline positions in the strategic debate. These positions in the administration were most likely to be found in the Pentagon, otherwise among the

167 Cf. The Henry L. Stimson Center: *An Evolving US Nuclear Posture*, Second Report of the Steering Committee, Project on Eliminating Weapons of Mass Destruction, Report No. 19, Washington, D.C., December 1995.

168 Cf. Andrew J. Goodpaster: *Tighter Limits on Nuclear Arms: Issues and Opportunities for a New Era*, Consultation Paper, Washington, D.C., (The Atlantic Council of the United States) May 1992; *ibid.*: *Further Reins on Nuclear Arms: Next Steps for the Major Nuclear Powers*, Consultation Paper, Washington, D.C., (The Atlantic Council of the United States) August 1993; *ibid.*/C. Richard Nelson/Steven Philip Kramer: *Nuclear Weapons and European Security*, Policy Paper, Washington, D.C., (The Atlantic Council of the United States), April 1996.

Republicans in Congress and in the opposition's security establishment. Arms control and disarmament push at the limits of this debate; in the Test Ban Treaty they were exceeded, but its ratification failed in the Senate, however. All other arms control and disarmament initiatives got into difficulty, too. The exception was the truly revolutionary CTR, in which past (and – in the long term, many – future) enemies were assisted in disarmament. Finally, the administration proved itself to be more or less capable of handling the NPT multilateral instrument virtuously and successfully.

The move away from active multilateralism in arms control policy took place under pressure from Congress, where in both houses, the Republican right dominated, and particularly in the Senate from the chairmen of the two most important committees (foreign and defence). Public interest in foreign affairs also receded further during the second Clinton administration. In 1999, relations with other countries caught the attention of only 45% of Americans, a further slip of 5% since 1994. Foreign policy problems were only rated among the country's important problems by 7.3% (a fall of 4.2%). Among the external problems, arms control was rated as among the three most important issues by only 7%; in addition to terrorism, the proliferation of weapons of mass destruction was seen as an extremely important danger; but the majority of Americans clearly did not link this danger – despite an undiminished preference for multilateralism – with multilateral arms control agreements as a solution.<sup>169</sup> Such opinions gave the executive and legislative a broad scope for action, but considerably weakened the chances of the arms control lobby lending weight to their demands with broad public support.

## 4. The Nuclear Policy of the Bush Jr Administration

### 4.1 Foreign policy and security policy guidelines

Bush Junior entered office with a team that was more unilateral and more inclined towards uncompromising American military superiority than any US government before. However, it should be born in mind that the team's entry to office concluded the development of the 1990's quite consistently, since the decade had moved increasingly towards these two policy components – unilateralism and supremacy. What particularly characterised the Bush administration was a blunt, often coarse rhetoric and unambiguous behaviour,<sup>170</sup> which no longer left room for misunderstandings or interpretation (especially on the part of well-meaning allies), only submissiveness, opposition or resignation.

The unilateralism aspect became apparent in the fact that the administration failed to enter into a series of agreements already concluded or at least satisfactorily negotiated (Kyoto Protocol), or withdrew its signature (International Criminal Court), or announced its opposition (Biological Diversity Protocol, Test Ban Treaty, maritime law,

169 All data from John E. Rielly (ed.), *American Public Opinion and Foreign Policy 1999*, Chicago 1999.

170 Stewart Patrick, *Don't Fence Me In: The Perils of Going Alone*, in: *World Policy Journal* 3, Autumn 2001, pp. 2-14.

Protocol to the AntiTorture Convention), boycotted or sabotaged current negotiations (Programme of Action on Small Arms and Light Weapons, Bioweapons Protocol) or withdrew from treaties (ABM Treaty). International law became the instrument of American power politics, which was either supported or rejected by the government based on pure opportunity. The fact that the gradual strengthening of the international system of laws represented a world order principle that in itself reflected a primary interest in democratic foreign policy, was refuted by the Bush government; it therefore unilaterally terminated a consensus among Western democracies that had existed since the Second World War. The following, constant quarrelling with the majority of the allied partners, namely France and Germany, grew from this unprecedented act of America policy, which unilaterally destroyed the 50-year-old basis of the alliance, but which did not stop Washington from taking offence to the differing positions of the allies. The trend was already visible before September 11th.<sup>171</sup> After a brief "pseudo multilateral" spell following the terror attacks, unilateralism, the prioritising of military instrumentation and indifference to international law returned with clearly greater force under the banner of "War against Terrorism".

Bush, therefore, consistently followed the "blueprint" of neoconservative foreign policy strategies, which, already at the start of the nineties, had promoted American superiority – the "unipolar factor" – not to be used as an instrument of multilateral world order policy, as Bush Senior had ultimately done, but to understand it as a principle of world order: American interests and the interests of the other (well-meaning) states were one and the same. The unilateral exercising of American power was therefore the best way to keep stability and order in the world.<sup>172</sup> Just like every other ideological claim to supremacy, this, too, was clothed in the mantle of historical necessity: the superiority of American power in particular left Washington no choice, for world order policy reasons, but to pursue the self-elected strategy undeterred.<sup>173</sup>

The cracks in this strategy were obvious in just the first few months of the Bush government. The refusal of arms control and the organised withdrawal from multilateralism had already led to major complaints, among the allies, too, before September 11th. The attacks on New York and Washington simply gave impetus to pursue the already chosen path more vigorously and with clearer priority for the instrument of the USA's own military strength. Multilateral alibis such as re-entry into UNESCO and the settlement of debts with the United Nations – as welcome as these gestures are – do not blind us to the fact of the fundamental unilateralism and nationalism of the American position. It is a

171 Ernst-Otto Czempel, *Weltpolitik im Umbruch. Die Pax Americana, der Terrorismus und die Zukunft der internationalen Beziehungen*, München 2002, pp. 100-107.

172 Cf. Posen/Ross, loc.cit. (Note 95); pp. 118-124; Samuel P. Huntington, *Why International Primacy Matters*, *International Security*, Vol. 17, No. 4, Spring 1993, pp. 71-81; Charles Krauthammer, *The Unipolar Moment*, *Foreign Affairs*, Vol. 70, No. 1, 1990/1991.

173 This argument was reported in demagogic perfection by Robert Kagan: *Power and Weakness*, in: *Policy Review*, June 2002 (electronic version [Version http://www.policyreview.org/JUN02/kagan\\_print.html](http://www.policyreview.org/JUN02/kagan_print.html)); and critically by Joseph S. Nye, *The American Interest and Global Public Goods*, in: *International Affairs*, Vol. 78, No. 2, April 2002, pp. 233-244.

strategy which gives only the minimum amount of room for arms control, disarmament and non-proliferation, especially in multilateral form, if at all. Any restriction to America's freedom of action is forcibly excluded. Since multilateral agreements are based on reciprocity, and in security policy, too, to a certain extent, they hardly play a positive role in the Bush administration apparatus.<sup>174</sup>

This world policy thinking has found its clearest expression in the "National Security Strategy" published in summer 2002.<sup>175</sup> The document puts in systematic, detailed form what the president himself declared in his much-quoted speech in June 2002 At the Military Academy in West Point:<sup>176</sup> The threat to the United States is both immense and diffuse. Immense, because the possibility of weapons of mass destruction being used against American soil has become a real danger. Diffuse, because the enemy himself cannot be attacked: the enemy is an assumed, supposed or forecast alliance of purpose between "rogue states", megaterrorists and those who have made available operational weapons of mass destruction to these people. Deterrence and defence against this constellation are, of course, useful (hence the preservation of the missile defence), yet not enough. The lack of information from this enemy constellation forces us to keep on a high offensive. The size of the danger constitutes a risk via multilateral, forensic debate and demands pre-emption, as soon as the indicators of danger increase. Finally, prevention is also required where unstable or hostile regimes are making attempts to obtain weapons of mass destruction. Since the alliance of purpose with terrorism for such regimes cannot be precluded just as much as the surprisingly fast success of their attempts at proliferation (for example through the transfer of technology from outside), intervention is required as soon as the first signs of such weapons programmes show.<sup>177</sup> The United States, therefore, claim that they have the right born out of the need to defend to intervene in any place on earth where this constellation of danger is forming, simply based on a national decision and without the detour of an international mandate. Her military planning, doctrine and equipment must be established accordingly.

Here, as in so many other matters, September 11th simply led to clearer profiling of a policy laid down long before this date and way before the Bush administration came into office. In the Clinton years, the removal of the controlling regime plus the containment of its military ability was already forming a parallel goal which made America's Iraq policy ambivalent and unclear: declaratorial policy had stressed the containment, it could be clearly seen from many comments that the wish was to effect a regime change using sanc-

174 Cf. Czempiel, Kap. III, loc.cit. (Note 78). Peter Rudolf, Wie der 11. September die amerikanische Außenpolitik verändert hat. Bilanz nach einem Jahr, Berlin (SWP-Aktuell) 2002; G. John Ikenberry, American Grand Strategy in the Age of Terror, in: *Survival*, Vol. 43, No. 4, Winter 2001, pp. 19-34, hier pp. 25-27.

175 The White House, *The National Security Strategy of the United States of America*, Washington, D.C., September 2002.

176 President Bush Delivers Graduation Speech at West Point, Remarks by the President at 2002 Graduation Exercise of the United States Military Academy West Point, New York, 1.June 2002, <http://www.whitehouse.gov/news/releases/2002/06/print/20020601-3.html>.

177 The White House, loc.cit., (Note 175), Chap. V.

tions and military means alongside.<sup>178</sup> The right wing of the Republicans represented by a number of prominent officials in the current government (including Cheney, Libby, Rumsfeld, Wolfowitz, Khalilzad and Bolton) had, in 1998, already pushed for this goal to be reached through a forced change in regime.<sup>179</sup> The emphasis of this declaratorial policy has also logically changed under Bush: the "regime change" now enjoys priority, and containment is being achieved alongside using the focussed means. At the same time, the construction of the "axis of evil" has found expression such that the USA has reserved the transfer of this double objective to other objects.<sup>180</sup>

Consequently, this objective goes hand in hand with a doctrine of absolute superiority. The USA wishes – in thorough realisation of the 1992 Wolfowitz paper still modestly suppressed (see above) – to maintain such a large military power differential to all other powers that to attempt to compete in military terms appears pointless from the start.<sup>181</sup> Since, if the USA claims a right to global intervention, the strategic interests of others are inevitably affected. In order for these others to remain silent and not cause any damage, America must be imposingly superior. This inevitable superiority applies especially to China, already rated as a potential rival by the Republican government (if not treated right out as an enemy, see the consent to WTO entry). Of course, this strategy is alleviated by the strong convergence between the USA and Putin's Russia.

Interestingly, *American* nuclear weapons do not feature in the "National Security Strategy" (in contrast to those of rogue states). This, however, in no way means that they have played out their role in the strategic arsenal of the USA. Based on the National Security Strategy, they are, first of all, part of the absolute superiority, to which a nuclear arsenal belongs; this explains the preservation of an immense ability to build up the strategic forces of the USA even after the planned reductions (see below). Secondly, in extreme cases, they can also become weapons of pre-emption, where the destruction of weapons of mass destruction and their production facilities or a direct attack on the command bunkers of "rogue states", perhaps also on conventionally unreachable hiding places of terrorist leaders, are concerned.<sup>182</sup> You can only read between the lines of the National Security Strategy where these functions are concerned. An earlier document, the new Nuclear Posture Review, was more explicit.

178 Robert S. Litwak, *Iraq and Iran: From Dual to Differentiated Containment*, in: Robert J. Lieber (ed.), *Eagle Rules? Foreign Policy and American Primacy in the Twenty-First Century*, Upper Saddle River, New Jersey 2002, pp. 173-193, here pp. 180-184.

179 Peter Rudolf, "Präventivkrieg" als Ausweg? Die USA und der Irak, Berlin (SWP study) 2002.

180 George W. Bush, *State of the Union Address to Congress and the Nation*, published in *New York Times*, 30. 1. 2002.

181 White House, loc.cit., (Note 175), Chap. IX.

182 Mark Bromley/David Grahame/Christine Kucia, *Bunker Busters: Washington's Drive for New Nuclear Weapons*, London/Washington, D.C. (BASIC Research Report) 2002, Chap. 1.

## 4.2 Nuclear strategy: the new Nuclear Posture Review

After the Bush administration had been in office barely a year, the DoD submitted a new Nuclear Posture Review (NPR) to Congress on 31 January 2001, which Defence Minister Rumsfeld had commissioned a few months earlier.<sup>183</sup> It concerned an analysis of future defence plans for the next five to ten years, which had been worked out in close cooperation with the DoE. On 9 January, the DoD held a press conference to present a summary of the most important points. The entire text, however, was kept classified. On 9 March 2002, however, the Los Angeles Times and New York Times managed to get hold of the entire text. Shortly thereafter, significant extracts appeared on the Internet.<sup>183</sup> It gave rise to fears that the Bush administration could develop new nuclear weapons.<sup>184</sup>

If you compare the new NPR with that of the previous government (Section 3.2), you can see continuities, but also significant differences:<sup>185</sup> continuities result from the fact that the Bush administration, too, like both previous governments, recognised the need to adapt the size of the nuclear arsenal at the end of the Cold War. To start with, it means that the NPR "leaves behind the Cold War practices of nuclear planning." Nevertheless, it recommended leaving around 2,000 strategic warheads deployed, or more precisely, 3,800 by 2007 and 1,700 – 2,200 by 2012. In addition to that, several thousand warheads were to be kept in reserve, so that they could be quickly put back into service and also used. The "Peacekeeper" intercontinental ballistic missiles which can carry 10 warheads and their silos were mothballed, not destroyed.<sup>186</sup> The only justification for such an enormous arsenal is, as before, as deterrence to Russia. But this justification barely differs from Clinton's policy of that of Bush Senior. The uncertainty over future Russian foreign policy also motivated previous governments to maintain a massive arsenal in reserve. The figures correspond in essence to the plans of the Clinton government for a possible START III Treaty, which it announced in 1997 at the Helsinki Summit (cf. Section 3.3.4). But, there was another important step backwards behind Clinton's policy: the review also sought for more transparency and irreversibility, e.g. by also wanting to include verification of the destruction of warheads. Instead, the NPR missed out the destruction of the warheads. So, this part is also missing from the treaty ("SORT") which Bush and Putin concluded at their summit in May 2002. According to unofficial sources, the USA possesses around

183 Nuclear Posture Review [Excerpts], Submitted to Congress on 31 December 2001, 8 January 2002, [www.globalsecurity.org/wmd/library/policy/dod/npr.htm](http://www.globalsecurity.org/wmd/library/policy/dod/npr.htm).

184 See e.g. Charles D. Ferguson, Mini-Nuclear Weapons and the U.S., <http://www.cns.miis.edu/pubs/week/020408.htm>, see also "Op-Eds and Opinion Pieces" in Charles D. Ferguson, Nuclear Posture Review – Relevant Resources, [http://www.nti.org/e\\_research/e3\\_15c.html](http://www.nti.org/e_research/e3_15c.html), Monterey Institute for International Studies, 2002.

185 Charles Ferguson, Nuclear Posture Review – Issue and Analysis, [http://www.nti.org/e\\_research/e3\\_15b.html](http://www.nti.org/e_research/e3_15b.html), Monte Nuclear Posture Review, CNS Research Story of the Week, 8 April 2002, Monterey Institute for International Studies, 2002; Karl-Heinz Kamp, Ein "Geheimer Atomplan" der USA? Hintergrundinformationen zum "Nuclear Posture Review", Arbeitspapiere der Konrad-Adenauer-Stiftung, No. 62, 2002.

186 Natural Resources Defense Council, Faking Nuclear Restraint: The Bush Administration's Secret Plan For Strengthening U.S. Nuclear Forces, [www.nrdc.org/media/pressreleases/2020013a.asp](http://www.nrdc.org/media/pressreleases/2020013a.asp).

5,000 intact reserve warheads, plus the components for an additional 12,000 warheads which can be quickly rebuilt.<sup>187</sup> The NPR also missed out the disarmament of tactical nuclear weapons, instead it noted that such "non-strategic weapons" were contained in the US nuclear arsenal. The figure for these tactical nuclear weapons is around 1,100, of which 150 are still deployed in Europe, including Germany. Russia still has more than 3,600 tactical nuclear weapons deployed.<sup>188</sup>

In the second half of the 1990's, the cry for an extension in the warning times had increased, in order to mitigate the risk of an accidental nuclear war.<sup>189</sup> The NPR called for precisely the opposite: the warning times should be shortened and rapid rearmament possible. The objective was more *reversibility* of the disarmament process. The risk of an accidental nuclear war should be met with the expansion of the missile defence. Even the reserve warheads should remain on alert, so that they can be used practically immediately.

Russia found herself on the list of possible target countries still, together with North Korea, Iran, Iraq, Syria, Libya and China. This list, too, matches that planned by the previous government, which had also provided for the potential pre-emptive use of nuclear weapons against "proliferators". Possible scenarios for the use of nuclear weapons were not expressly extended: their aim was no longer to deter, but also to respond to a "whole range of threats", including attacks with conventional, chemical or biological weapons, and "surprising military developments".<sup>190</sup>

In addition to that, the NPR supported more flexible military planning, which would move away from so-called threat-oriented defence to capacity-oriented defence. In this way, the USA should be able to adapt more quickly to new realities. Traditionally, American strategic weapons are organised in a triad, deployed with land, sea and air-based troops. The new NPR stresses that nuclear weapons will continue to play a central role in warfare. It outlined a new triad, the first components of which would come from the former nuclear defence together with improved conventional armament. The second component would cover active and passive defence with a fundamental role for missile defence, and finally the third component would contain the development of a defence infrastructure which could react quickly to changes in the security situation. Altogether, however, it concerned concepts which had already been contemplated during the previous administrations.

187 Cf. Young, Gronlund, loc.cit. (Note 185)., Anthony H. Cordesman, The Impact of the US Nuclear Posture Review, Report, Center for Strategic and International Studies, 10 January 2002.

188 See Appendix by Potter et al., loc.cit. (Note 55).

189 Examples are: Bruce G. Blair, Global Zero Alert for Nuclear Forces, Brookings Occasional Papers, Washington, D.C., 1995; Lachlan Forrow, Bruce G. Blair, Ira Helfand, George Lewis, Theodore Postol, Victor Sidel, Barry S. Levy, Herbert Abrams, Christine Cassel, Accidental Nuclear War – A Post-Cold War Assessment, The New England Journal of Medicine, 30 April 1998, Vol. 338, No. 18, Alexej Arbatov, Dealerting Nuclear Forces: A Substitute or Supplement to Disarmament?, in: Background Papers of the Canberra Commission on the Elimination of Nuclear Weapons, 303, August 1996.

190 Cf. Young, Gronlund, loc.cit. (Note 185).

The new NPR also discussed the need for new weapon systems, especially designed to strike silos and bunkers in which weapons of mass destruction could be deployed. For this, the DoD and DoE have been studying nuclear and conventional systems. Critics fear that this could lead to new nuclear tests. These plans, too, are not new and reflect the plans of the previous governments, which – without nuclear tests – led to the development of B-61-11 earth penetrating warheads during the 1990's (cf. Section 3.3.1). Its chances of really striking underground bunkers are, however, limited, in addition to which, that kind of use would produce enormous fallout.<sup>191</sup> The capabilities of conventional weapons are even more limited. Weapons specialists have, therefore, proposed developing a completely new warhead in clear contrast to the announcement by the Clinton administration to do away with them in the future. The radioactive fallout should be minimised and the warhead should be hardened to produce deeper penetration.<sup>192</sup> Other experts argued that the fallout would also be unacceptably high and the level of hardening required was in principle not possible.<sup>193</sup>

Based on the development of new warhead types, production capacities should also be expanded. It said in the NPR: "for the long term a new modern production facility will be needed to deal with the large-scale replacement of components and new production." The Stockpile Stewardship continued to be regarded as an important project of the highest national interest (cf. Section 3.3.1).

These elements of the NPR show that, for the Bush II administration, nuclear weapons are more important than less important, that the government wishes to see new roles for nuclear weapons and more flexibility, and that it would like to perpetuate this importance through the expansion of the research and development facilities.

The new NPR differs alarmingly from the Clinton administration's review in one important aspect: it rejects arms control in order to achieve maximum flexibility in its actions. Whereas the Clinton administration tried to enter the ABM Treaty, the Bush government terminated it to gain itself a free hand in the development of missile defence. The previous administration also supported the ratification and the commencement of the CTBT, the new administration has no intention of troubling itself with ratification. The NPR also proposes recompiling teams for "advanced warhead designs" and shortening the time for the preparation of new nuclear tests from 2-3 years to less than a year.

The NPR – at least in the published extracts – mentions not a word about the NPT, let alone the commitment in the treaty to take up talks with the aim of a nuclear weapon-free world. Instead, the NPR expressly supports including some non-nuclear weapon states on

191 Cf. Ferguson, loc.cit. (Note 184).

192 Stephen M. Younger, "Nuclear Weapons in the Twenty-First Century," Los Alamos National Laboratory Report, LAUR-00-2850, 27 June 2000, <http://www.fas.org/nuke/guide/usa/doctrine/doe/younger.htm>.

193 Robert W. Nelson, Low-Yield Earth-Penetrating Nuclear Weapons, FAS Public Interest Report, No. 1, January/February 2001, Vol. 54, <http://www.fas.org/faspir/2001/v54n1/weapons.htm>.



the list of target countries. This contradicts the earlier declarations of nuclear weapon states not to do this as an incentive for other countries to give up nuclear weapons.

The NPR was controversially discussed in public. Practically all activist groups and think tanks concerned with nuclear disarmament published critical views;<sup>194</sup> but found very little public resonance. Both opponents to and supporters of the policy described in the NPR criticised its secrecy. Since it was a political document and not a plan for specific action, it must be published.<sup>195</sup>

In the Defense Planning Guidance, the Pentagon's official planning document, the bunker-penetrating nuclear weapons were then added to the pre-emptive strategy a few months later: such weapons must be developed otherwise the pre-emptive strategy would be missing a vital instrument.<sup>196</sup>

### 4.3 Nuclear arms control policy

#### 4.3.1 *Strategic nuclear weapons: the Strategic Offensive Reductions Treaty (SORT)*

At the Washington Summit in November 2001, Bush announced the reductions in the American nuclear weapon arsenal. Putin, who, November 2000, had proposed reductions down to 1,500 warheads each side, responded immediately with an identical announcement. He insisted on confirming these reductions in a formal and binding document. Bush hesitated at first: in his announcement on reductions he said, "the endless hours of discussion", which would have ultimately led to the START Treaties, were no longer necessary, for the USA and Russia had "a relationship built on trust".<sup>197</sup> Yet, in a later speech at the Russian Embassy, he conceded to Putin that a treaty would also be concluded. This also had the purpose of calming the indignation at the simultaneously announced with-

194 See e.g. Stephen Young and Lisbeth Gronlund, A Review of the 2002 US Nuclear Posture Review, Union of Concerned Scientists Working Paper, 14 May 2002, [http://www.ucsusa.org/security/NPR\\_review.pdf](http://www.ucsusa.org/security/NPR_review.pdf); Arms Control Association, Parsing the Nuclear Posture Review, An ACA Panel discussion, March 2002, [http://www.armscontrol.org/act/2002\\_03/panelmarch02.asp?print](http://www.armscontrol.org/act/2002_03/panelmarch02.asp?print); Ploughshares Letter To The Prime Minister On The Us Nuclear Posture Review (NPR), 13 March 2002, <http://www.ploughshares.ca/CONTENT/CURRENT%20ISSUES/USNPRletMar02.html>; International Physicians for the Prevention of Nuclear War (IPPNW), The US Nuclear Posture Review: How the NPR Repudiates the NPT, 14 March 2002, <http://www.ippnw.org/NuclearPosture.html>; Nuclear Watch New Mexico, The Cutting Edge of Future U.S. Nuclear Weapons?, March 2002, <http://www.nukewatch.org/facts/nwd/NWNMHDBT.pdf>; Evan S. Medeiros and Jing-dong Yuan, The U.S. Nuclear Posture Review and China's Responses, Research Story of the Week, Monterey Institute of International Studies (MIIS), 1 April 2002; <http://cns.miis.edu/pubs/week/020401.htm>; Bruce Blair, U.S. Nuclear Posture and Alert Status Post Sept. 11, Presentation for The Carnegie Non-Proliferation Project, 28 January 2002, <http://www.cdi.org/nuclear/post911-pr.cfm>.

195 FAS Project on Government Secrecy, Nuclear Posture Review Excerpts Now Online, Secrecy News from the FAS Project on Government Secrecy, Volume 2002, Issue No. 21, 14 March 2002, <http://www.fas.org/sgp/news/secrecy/2002/03/031402.html>.

196 William M. Arkin, The Best Defense, Los Angeles Times, 14. 7. 2002.

197 Philipp C. Bleek, Bush, Putin Pledge Nuclear Cuts, Implementation Unclear, Arms Control Today, December 2001.

drawal from the ABM Treaty. Later, security advisor Rice announced that a treaty could also "perhaps contain ... verification procedures from other treaties". It was not, however an arms control treaty.<sup>198</sup> Democratic senators criticised this hesitation. A treaty would not only clarify matters, it would also pay due respect to the Senate that had to ratify it.<sup>197</sup>

On 24 May 2002, Bush and Putin signed an agreement to cut their arsenals according to the announcements and to work together in the fight against terrorism.<sup>199</sup> The treaty comprises only 475 words. It is a treaty bound by international law which commits both sides to reduce their deployed strategic systems to 1,700 – 2,200 by December 2012. It contains, however, no conditions at all over what will happen with the carrier systems or warheads. Both sides can determine the composition of their arsenals themselves. A bilateral "Treaty Committee" will meet twice a year until the treaty expires in 2012. The obligations will then be extinguished. On top of that, it set out no transparency or verification measures. A great deal of flexibility is thus afforded to both sides in their performance of the treaty.

None of the documents made public at the meeting mention the START II Treaty. This meant that Russia no longer felt bound to this treaty. When, on 13 June 2002, the USA left the ABM Treaty, the Russian Foreign Ministry made a corresponding declaration. With the exit from the ABM Treaty and the failed American ratification of START II, all the criteria by which Russia might still feel bound to the treaty fell away.<sup>200</sup> As a result, Russia can modernise her SS-18s, each equipped with 10 warheads and maintain them at alert status. Their service life could be extended from 2008 to 2015. Under START II, these systems would have had to be scrapped (cf. Section 2.3.1).

Putin made it clear that there were important differences of opinion over the treaty: Whereas Bush wanted to keep "disarmed" nuclear weapons in reserve, Putin saw the need to eliminate some parts of the arsenal altogether. Whereas the Americans would have the opportunity to rearm quickly with such a reserve, the disarmament process on the Russian side is scarcely reversible. Therefore, from the start, the Russians wanted to include possible American rearmament on the agenda. They proposed two solutions: the verified destruction of warheads or the destruction of carrier systems themselves. Both would have made rearmament difficult. Whereas the first option has been part of discussions since the Helsinki Summit in 1997, the Russians only mentioned the second one shortly before the

198 "Transcript: Afghanistan Dominates Bush-Putin Talks, Rice Says," Washington File, U.S. Department of State Web Site, 15 November 2001, <http://usinfo.state.gov/products/washfile/>; "Transcript: Backgrounder on Putin Visit By Senior U.S. Officials," Washington File, U.S. Department of State Web Site, 13 November 2001, <http://usinfo.state.gov/products/washfile/>.

199 Dana Milbank, Bush, Putin Sign Nuclear Arms Treaty, *The Washington Post*, Friday, May 24, 2002 <http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&node=&contentId=A3098-2002Mai24&notFound=true>.

200 Russian Ministry of Foreign Affairs, On Legal Status of the Treaty Between Russia and the USA on Further Reduction and Limitation of Strategic Offensive Arms, 14 June 2002, <http://www.ransac.org/new-web-site/pub/nuclearnews/06.17.02.html#2f>.

end of the talks.<sup>201</sup> The Americans, however, are insisting on the option of storing the warheads intact, so that they can be rearmed quickly if necessary – an option already announced in the NPR, too – which caused mistrust among the Russians and undermined the treaty.<sup>202</sup>

All the same, both sides agreed to negotiate further over transparency and verification. Since both these elements have been left out, the treaty has become so short it looks more like the beginnings of long talks. Although the Russians consider the irreversibility of the reductions very important, they failed to offer any specific and feasible proposals – the time before signature was too short to prepare any, and the subject of transparency was also too controversially discussed in Russia. Verification of the destruction of warheads impacts on highly sensitive information about the warheads, and although there have been successful bilateral workgroups engaged on this subject for some years now, they are still working on a more technical level.<sup>203</sup> The results are not yet ready to be converted into policy, and even less so since the current mood in the USA and in Russia does not encourage an increase in transparency (cf. Section 3.3.4).

#### 4.3.2 CTR

Although some CTR programmes are established in treaties – mostly at the ministerial level – there are lots of activities which have no formal safeguard at all. This makes their financing prone to crisis. On the other hand, they are less dependent on current US-Russian political relations.<sup>204</sup> Clinton's policy of openness contributed not least in this respect, since it allowed for cooperation on the technical level without heavy bureaucratic influence (cf. Section 3.3.3). During his election campaign, Bush had announced the continuation of the CTR programme. He also promised to apply to Congress for more funds to aid the destruction of Russian warheads. On the other hand, he had criticised the active collaboration of the Clinton administration with Russia because of the divulgence of too much sensitive information.

On taking up office, a number of misgivings were given much more emphasis:<sup>205</sup> the Russian cooperation with Iran over the building of the Busheer light water reactors, especially, caused the government to consider cutting the financing of the CTR. For this rea-

201 Nikolai Sokov, "START III": An End Or Beginning of Negotiations, Research Story of the Week, 23 May 2002, <http://cns.miis.edu/pubs/week/020513.htm>.

202 Rose Gottemoeller, The New U.S. Russian Nuclear Agreement, Proliferation Brief, Vol. 5, No. 9, 14 May 2002, <http://www.ceip.org/files/nonprolif/templates/Publications.asp?p=8&PublicationID=981>.

203 See e.g. Oleg Bukharin and Kenneth Luongo, U.S.-Russian Warhead Dismantlement Transparency: The Status, Problems, and Proposals, PU/CEES Report No. 314, April 1999; Steve Fetter, A Comprehensive Transparency Regime for Warheads and Fissile Materials, Arms Control Today, January/February 1999.

204 During the NATO attacks in the former Yugoslavia, a Russian discussion was held over the continuation of the CTR activities. See Yevgeny Maslin, The CTR Program and Russia's National Security Interests, *Yaderny Kontrol Digest*, Winter 2000.

205 Kenneth N. Luongo, The Uncertain Future of U.S.-Russian Cooperative Security, [http://www.armscontrol.org/act/2001\\_01-02/luongojanfeb01.asp](http://www.armscontrol.org/act/2001_01-02/luongojanfeb01.asp).

son, in 2000, Congress refused funds for certain projects.<sup>206</sup> In 2001, it cut back on a whole series of individual projects. The proposed budget for 2002 came in at more than 30% less than the previous year's budget.<sup>207</sup>

Following the terrorist attacks of September 11<sup>th</sup> 2001, this policy was changed again. Bush called the CTR initiatives "our top priority".<sup>208</sup> An analysis of the State Department, which examined around 30 projects came to the conclusion that "the majority of CTR programmes work well, are well managed and concentrate on the essential priorities."<sup>209</sup> The disposal of nuclear weapon-grade material and the improvement in the transparency and inventorising of Russian warheads, among other things, should be promoted in particular. Earlier versions of this report ought, however, to have been very critical and recommended far-reaching cuts.<sup>210</sup> In fact, past cuts were reversed. The proposed budget for 2003 comprised around 1 billion US dollars. This sum, therefore, corresponded roughly to the amount Clinton had proposed for 2001, but did not go beyond which was hailed by many critics as being too half-hearted.<sup>211</sup> The project aimed at transparency for Russian warheads suffered moreover from the refusal of the USA to permit reciprocal measures and her wish to keep her warheads in reserve rather than scrap them (cf. Section 4.3.1)

#### 4.3.3 *Cutoff and the Test Ban Treaty*

In its scepticism of arms control, the Bush administration has no plans of re-submitting the CTBT to the Senate. Opinion in the administration is split between those who reject the treaty and those who believe that ratification would be in the American national interest. Some even support the withdrawal of the US signature from the bottom of the treaty text. The administration hasn't gone that far yet. But, it did stay away from the Special Conference of member states in November 2002 which aimed to accelerate ratification.<sup>212</sup> The USA likewise voted against a Japanese proposed resolution before the United Nations, which supported an extension of the test moratorium and the early commencement

206 Ebenda.

207 William Hoehn, Analysis of the Bush Administration's Fiscal Year 2002 Budget Requests for U.S.-Former Soviet Union Nuclear Security: Department of Energy Programs, Russian-American Nuclear Security Advisory Council (RANSAC), 18 April 2001, <http://www.ransac.org/new-web-site/index-oldbrowser.html>.

208 Matthew Bunn/John P. Holdren/Anthony Wier, Securing Nuclear Weapons and Materials, Seven Steps for Immediate Action, Report, Harvard, May 2002.

209 White House Fact Sheet – Administration Review Of Nonproliferation and Threat Reduction Assistance to the Russian Federation, 27 December 2001, <http://www.whitehouse.gov/news/releases/2001/12/20011227.html>.

210 Jon Wolfsthal, Bush Backs Russian Programs, Carnegie Analysis, 4 January 2002, <http://www.ceip.org/files/nonprolif/templates/article.asp?NewsID=1983>.

211 Bunn et al., loc.cit. (Note 208).

212 Phillipp C. Bleek, UN Conference Shows Support for Test Ban; U.S. Absent, Arms Control Today, December 2001.

of the CTBT and against a proposal to set the CTBT on the agenda of the UN General Assembly.<sup>213</sup>

In any case, the Administration was in favour of keeping the test moratorium for the time being and the international monitoring system currently being built. It expressed an interest in verification since it was seen as extending the national means of detection. However, the administration did not intend to provide means for activities which would prepare for later on-site inspections.

The discussion surrounding the CTBT was dominated by three subjects:<sup>214</sup> The first was the growing demand for the development of a new earth penetration warhead (cf. Sections 3.3.1 and 4.2). This would only be possible with new nuclear tests. The administration wanted to keep the option open at least. So, the test moratorium was continued, but not officially extended for an indefinite period.

The second was the well-known discussion as to whether the Stockpile Stewardship was adequate for inspecting the reliability of the arsenal. Critics claimed that without further nuclear tests confidence in its working order could not be sustained in the long term. On the other hand, CTBT supporters believed that the Stockpile Stewardship was completely adequate for that purpose.<sup>215</sup>

The third and final subject was verification. Advanced nuclear weapon states were capable of conducting very small nuclear tests which could not be detected but which sufficed for the development of new nuclear weapons – according to the critics. In fact, some government members quoted secret service information, according to which Russia was in the process of preparing hydronuclear tests on Novaja Semlja.<sup>216</sup> Independent observers speculated that this story was cooked up to undermine the credibility of the CTBT. For the CTBT was verifiable and its future verification together with the national means of the USA could also detect these nuclear tests. This discussion is also well-known and does not contain any arguments which have not been scrutinised in previous studies. The latest was a report under the aegis of the former General John Shalikashvili, which was commis-

213 Lawrence Scheinman, *Comprehensive Test Ban Treaty (CTBT) – Issue Brief*, Monterey Institute for International Studies, April 2002, [http://www.nti.org/e\\_research/e3\\_9b.html](http://www.nti.org/e_research/e3_9b.html).

214 See e.g. Kathleen C. Bailey, *The Comprehensive Test Ban Treaty: An Update on the Debate*, National Institute for Public Policy, March 2001, <http://www.nipp.org/Adobe/CTBT%20Update.pdf>; National Institute for Public Policy, *The Comprehensive Test Ban Treaty: Few Benefits - Very High Costs*, <http://nipp.org/3.php>; Rebecca Johnson, *Boycotts and Blandishments: Making the CTBT Visible*, Acronym Institute, Issue No. 61, November-December 2001; Daryl G. Kimball, *CTBT Rogue State? Arms Control Today*, December 2001.

215 Even the various very most thoroughly-conducted studies on the Stockpile Stewardship could not bring an end to this discussion. Cf. loc.cit. (Note 112).

216 US Concern over Russia Testing as Congress Considers Test Readiness, New Weapons, Disarmament Diplomacy, Issue No. 65, July - August 2002, <http://www.acronym.org.uk/dd/dd65/65nr05.htm>. For hydronuclear tests, nuclear tests are used in which the release of nuclear energy is so low that seismic detectors cannot register it.

sioned by the Clinton government.<sup>217</sup> It came to the conclusion that there were some disadvantages to the treaty, but that its advantages far outweighed them.

There was also no further progress with cutoff after Bush took office (cf. Section 3.3.2). The paralysis of the Geneva CD continued with no change in the reasons for this.<sup>218</sup> The Bush government has apparently made no attempt at all since entering into office to break the blockade with new proposals.

Since 2001, a few delegations have organised seminars and informal discussions outside the official structure of the CD.<sup>219</sup> Since 2002, the Dutch delegation has also been trying to organise discussions also outside the CD, which could also anticipate talks to a partial extent. The US delegation has not stood in the way of these activities. Various delegations have made their scepticism clear, however: if China is not on board, then at least all other nuclear weapon states and India, Pakistan and Israel must participate. Since this is highly unlikely, however, there is no need for the USA to take a position with regard to discussions or talks outside the CD.

#### 4.3.4 *Non-proliferation and "defensive pre-emption"*

Just like arms control in general, multilateral non-proliferation policy also slid down the list of priorities to a considerable degree. The "National Strategy to Combat Weapons of Mass Destruction" of December 2002 placed counterproliferation in first place, i.e., military precautions. Non-proliferation was placed in second place, followed by aftercare. The non-proliferation aspects highlighted are CTR and export controls, although multilateral regimes do receive a friendly mention and, of course, the USA's disarmament commitment regulated in the Nuclear Non-Proliferation Treaty is not mentioned.<sup>220</sup>

Nuclear non-proliferation altogether was less directly affected by the downwards gradation of multilateral arms control than biological non-proliferation (it also imposes far fewer commitments on the USA). The Americans' refusal to talk about a transparency protocol ended eight years of intensive work by the treaty community to strengthen the bioweapons agreement. In the preparation committee for the inspection of the NPT, the US delegation did not adopt such a comparably destructive attitude. However, the Penta-

217 U.S. State Department, Findings and Recommendations Concerning the Comprehensive Nuclear Test Ban Treaty (Shalikashvili Report), 4 January 2001, [http://www.state.gov/www/global/arms/ctbtpage/ctbt\\_report.html](http://www.state.gov/www/global/arms/ctbtpage/ctbt_report.html); see also US Scientific Panel Defends CTBT, Disarmament Diplomacy, News Review, Issue No. 66, September 2002, <http://www.acronym.org.uk/dd/dd66/66nr06.htm>.

218 Rebecca Johnson, No Movement on Fissban despite repeated pleas for negotiations, Stalemate Update, November 2001, <http://www.acronym.org.uk/fissban/index.htm>.

219 The organisers comprised delegations from Germany, Japan, Australia and the Netherlands, at times together with independent institutes.

220 The White House, National Strategy to Combat Weapons of Mass Destruction, Washington, D.C., December 2002. Cf. also the comments from the responsible departmental head for the National Security Council, Robert Joseph, who pays slightly less attention to the multilateral regime, Robert G. Joseph, Countering Weapons of Mass Destruction in a New National Security Strategy, in: *The Monitor*, No. 1, Winter/Spring 2003, pp. 3-5.

gon's nuclear policy made it clear that the administration was not intending to keep to the thirteen steps agreed in 2000, by which the nuclear weapon states were to fulfil their commitments laid out in Art. VI of the NPT: So, the termination of the ABM Treaty cannot be agreed with the promise to strengthen the treaty as a "cornerstone of stability". The USA has also made no move whatsoever to include tactical nuclear weapons in arms control, but have, instead of negotiating irreversibility, carefully built in the reversibility of disarmament into the SORT Treaty, by losing verification have not increased transparency but rather decreased it and expanded the role of nuclear weapons within the framework of "pre-emptive defence" instead of limiting it. It has therefore become clear that the programme decided by the contractual parties in 2000 in Washington is not being seen as important or at all binding.

Vice-president Cheney characterised the low value placed on multilateral non-proliferation policy when he declared, that these instruments had been useful in the Cold War; in the war against terror, they must be seen as meaningless, however, since terror organisations such as Al Qaida are neither contractual parties nor do they respect any norm.<sup>221</sup> That was of course a trivial deduction; however, the fact that the question had not even been asked as to how the treaties could be used to make it difficult for terrorists to access weapons of mass destruction was symptomatic.

Nuclear non-proliferation policy is therefore, still continuing. Against Israel, India and Pakistan it has as good as been given up, as can be sensed from the lifting of the economic sanctions<sup>222</sup>. In Southern Asia, it is still a matter of ensuring that neither weapons nor fissile material falls into terrorist hands. The American government tried once again in vain to convince its new partner Russia to end her nuclear cooperation with Iran, whereby the government appears resigned to the possibility of still stopping the manufacture of the reactor in Busheer. At the least she wants to stop Russia from entering into any more cooperation agreements.<sup>223</sup> The part pressure, part diplomatic patience exercised on China,<sup>224</sup> eventually succeeded in convincing Beijing in summer 2002 to reform and clearly sharpen her export controls on sensitive multipurpose goods.<sup>225</sup>

Washington pursued various strategies where the states making up the "Axis of Evil" were concerned. North Korea saw herself exposed to a roller-coaster of convergence, harsh criticism and isolation.<sup>226</sup> With the visit of diplomat John Kelly to Pyongyang, the State Department made an attempt in summer 2002 to take up talks again in which North Korea was confronted with American secret service knowledge of new nuclear activities and ultimately requested to give in. When Kelly returned with the news that Pyongyang

221 Disarmament Diplomacy 66, September 2002, p. 29.

222 Disarmament Diplomacy 60, September 2001, pp. 46ff.

223 Disarmament Diplomacy 66, September 2002, pp. 46f.

224 Disarmament Diplomacy 60, September 2002, pp. 55ff March/April 2002, pp. 38f.

225 Disarmament Diplomacy 66, September 2002, p. 48.

226 Disarmament Diplomacy 60, September 2001, pp. 57ff, October/November 2001, pp. 60ff, January/February 2002, pp. 57f.

had conceded its nuclear weapons programme, the administration reacted carefully. Instead of contemplating military options and issuing threats, a diplomatic campaign was coordinated in order to put international pressure on North Korea and for which consent could also be obtained from China to exert diplomatic influence on her neighbours.<sup>227</sup> However, the Bush government did not appear ready to grant the security guarantees which Pyongyang set out as a pre-condition for giving up her nuclear weapon programme.

With regard to Iran, the instrument of the technology boycott continued to remain at the fore. Since, according to the member states of the European Union and Russia, numerous other players assessed the situation in Iran differently to Washington, this policy was only moderately successful. Furthermore, Iran openly announced the progress she had made with her fuel-cycle technology, which would enable her in the foreseeable future to enrich uranium and reprocess plutonium.

Finally, where Iraq was concerned, Washington concentrated on the military option. At the beginning of the war campaign, the return of the inspectors to Iraq was no longer the primary focus. Now, Washington looked for a change in regime. Vice-president Cheney and the Pentagon in particular saw the toppling of Saddam Hussein as the only guarantee that Baghdad's WMD activities would be brought to an end once and for all. The fact that Washington prepared to make this step unilaterally to start with and lifted the unilateral decision to a maxim proves once again the loss of priority of multilateral arms control under the new administration.<sup>228</sup> However, the American preparations for war met with resistance from the Security Council. The most important ally, Tony Blair, found himself forced through public opinion in Great Britain and major resistance within the Labour Party to advise his friend George Bush to seek legitimation through a security resolution urgently. For a while therefore, Iraq policy got caught up in multilateral policy. However, the Bush government also reserved the use of unilateral military action at any time; which included the threat to use nuclear weapons in certain circumstances: counterproliferation dominated non-proliferation.

#### 4.4 Summary

The Bush government's nuclear policy was linked to a series of tendencies which had already started developing since the early 1990's and which were also clearly visible under Clinton. The government intensified these tendencies in such a way and organised them into a much more unilateral and offensive military strategy that they constituted a real qualitative leap forward. Nuclear deterrence remained a component of American security policy, but lost importance compared to defence and offensive pre-emption. This made a considerable reduction in the active nuclear weapon stock possible. At the same time,

227 Kay Möller, Pyöngyang bekennt sich zur Bombe, Berlin (SWP-Aktuell 41), October 2002; International Herald Tribune, 26/27 October 2002, p. 2.

228 Disarmament Diplomacy 66, September 2002, pp. 31-39.



nuclear weapons were given a role in the new global military strategy – which included pre-emption and prevention and covered nuclear warfare scenarios for certain military tasks. Counterproliferation, under Clinton a concomitant of conflicts which could lead American troops into an area in which weapons of mass destruction existed, now became a separate mission for the military with a pre-emptive objective.

The aversion to any limitation on America's freedom of action and the complete lack of trust in the purpose of international arms control law demoted arms control and disarmament as separate and important elements of American security policy; maximum flexibility became part of the superiority doctrine; this also included large-scale stocks of nuclear warhead reserves. This explains the notably permissive character of the SORT Treaty. Arms control landed on the far side of the track of a highly narrowed non-proliferation policy.

This development benefited from a favourable public opinion which after September 11<sup>th</sup>, considered foreign policy matters more important than before due to the extreme worry over terrorism and weapons of mass destruction the public was prepared to grant the government a great deal of trust and the relevant freedom of action. This presents the paradoxical situation that the multilateralism of the American public is not broken; in individual matters such as the strengthening of the United Nations, the Kyoto Protocol or the International Criminal Court, it is closer to public opinion in Europe than the views of its own government. This also applies to matters of arms control: thus, an overwhelming majority supported the Test Ban Treaty (81%) and the Ottawa Convention against Anti-Personnel Mines (75%). The "war against terrorism" only overshadowed these individual matters such that clear opposition to the foreign policy of the Bush government cannot emerge.<sup>229</sup>

## 5. Conclusions

### 5.1 The trend of American nuclear policy

The euphoric mood of the early 1990's in which even hopes of a nuclear-free world germinated, has long gone. After the end of the East-West conflict – after a short spell of hesitation – there was a whole string of successes at first: the USA and the Soviet Union, or Russia, negotiated START I and START II, the first really substantial disarmament treaties, and they reduced their tactical nuclear weapons. The Nuclear Non-Proliferation Treaty was extended indefinitely, the number of members rose. This success can be understood as the delegitimisation of nuclear weapons. It underlines the importance of international cooperation in non-proliferation and nuclear disarmament. Another success were the negotiations and signing of the CTBT, which would not have been possible with-

229 Chicago Council on Foreign Relations/German Marshall Fund Of The United States, *Worldviews 2002*, [www.worldviews.org](http://www.worldviews.org), 2002.

out American commitment. This euphoric mood began during the Bush I administration and continued through the first half of the Clinton administration.

This phase of commitment to nuclear disarmament was accompanied by a renaissance of multilateralism.<sup>230</sup> President Bush I announced a new world order and his successor, President Clinton, started a programme that even had the description *assertive multilateralism* in the title.

In parallel to the disarmament successes and multilateral renaissance, an opposite trend emerged. The inertia of nuclear bureaucracy prevented revolutionary changes in the structure and doctrine of the American nuclear forces. The question as to why this still immense destructive force – despite the drop in types of weapons – was needed with considerable flexibility was answered by the security establishment with the ever clearer reference to the "rogue states". A new security paradigm emerged that stood more and more in the way of radical nuclear disarmament and, towards the end of the decade, contributed to the rejection of multilateralism.

Multilateral orientation failed in the second half of the 1990's due to the resistance of the conservative wing of the Republicans who oriented themselves more and more to this new security paradigm. From 1996, they blocked practically all further international treaties, such as the CTBT, the Kyoto Protocol, the Bioweapons Convention, and a Convention to outlaw Anti-Personnel Mines. The fall of nuclear disarmament took place in parallel. The CTBT will not come into effect without American ratification, further treaty plans – such as cutoff – have been put on hold, the USA is pulling out of the ABM Treaty, START II is not being ratified and has lost its effect, and its replacement, the "SORT" agreement, looks more like a piece of codified unilateralism, not a cooperative arms control treaty. All elements, which could realise irreversibility and transparency as still announced by Clinton and Yeltsin at their Helsinki Summit in 1997 had gone. Even Clinton's secret efforts for more transparency of the nuclear complex, which were already reaching the international stage, were blocked and partially withdrawn.

The influence of the new security paradigm grew and the importance of multilateralism fell in the second Clinton administration so clearly that the arrival of Bush in office ended all ambiguity and misunderstanding: Bush's Nuclear Posture Review in January 2001 expressed what had been indicated earlier: nuclear arms control and the strengthening of the international regime were no longer seen as a security policy instrument. Instead, the USA is focussing on her own strength and striving towards maximum freedom of action, also at the cost of international cooperation. Multinational rules only hinder actions and should be dismantled as far as possible.

After September 11<sup>th</sup> 2002, it appeared for a spell that the USA would return to a multilateral orientation. She settled her overdue contributions with the UN and expressed after a long time respect for this international organisation. Moreover, she called for an inter-

230 Matthias Dembinski, *Unilateralismus versus Multilateralismus – Die USA und das spannungsreiche Verhältnis zwischen Demokratie und Internationaler Organisation*, Frankfurt (HSFK-Report No. 4) 2002.

national fight against terrorism and pushed NATO, a traditionally international organisation, into action. This re-orientation to an international global order was only temporary, however. The talk of "the Axis of Evil" was directed exclusively at the American public. In the case of Iraq, the Bush administration was determined to ensure a regime change there.

## 5.2 The ideals of enlightenment and realistic nuclear strategy

If you measure this equilibrium of suppositions developed at the start of this paper against the priority of nuclear deterrence and arms control in a democratic security policy characterised by a fundamental peaceful nature, the marked differences cannot be missed. The role of nuclear weapons as a means to avoid war, i.e., as deterrence, stands quite unambiguously to the fore of nuclear policy. It becomes clear that the normative tension between the high-quality purpose of keeping the peace and the dubious means of threatening nuclear genocide, is bridged by the characterisation of the enemy as totalitarian, dictatorial, aggressive, inhuman and unaccountable. Threatening with evil is justified by the equally evil character of the enemy opposite. The controlling democracy is confronted with her absolute opposite and is to this extent entitled or compelled to consider also means which stand in contrast to her own value system.

Admittedly, there is a clear difference in the new role of nuclear weapons as preempting, fighting and retaliating in regional conflicts with "rogue states" who possess weapons of mass destruction or who wish to acquire some. The earlier anomaly, which already existed in the enormous role of nuclear weapons in warfare as "flexible response" and the strategy for victory applicable since the Reagan years in drawn-out nuclear war, was transposed to a new area at the moment when it was given up in its old area of use. This role is scarcely compatible with the democratic world order which has such high regard for the lives of the opposing civil population and contradicts the expectations discussed at the beginning.

At first glance, the development of nuclear arms control corresponded to these expectations. Since the end of the East-West conflict, the number of American nuclear weapons has steadily decreased. The USA and Russia concluded three important agreements and reduced their tactical nuclear weapons through mutual, unilateral, public promises. America, however, kept the structure of her arsenal and therefore also her extraordinary flexibility. Her readiness for action was not however drastically decreased as it might have been; risks were therefore accepted which contradicted the implied unwillingness of democracies to take risks. The noticeable inclination since 1994 to maintain an ability to re-arm, i.e., a reversibility of the targeted disarmament, causes disparity with the implied tendency to aim for the achievable minimum of a still guaranteed, existential, principally defensive ability to deter. The fact that the structure of the nuclear arsenal (triad plus tactical nuclear weapons) has remained the same throughout, contradicts the initially expressed expectation that the drastic change in international power relations would find expression in the American nuclear weapon arsenal on a quantitative and structural level.

This applies even more to the switch from multilateralism to unilateralism, from the exchange of interests, stability and equilibrium to absolute superiority and attack options

and from multilateral diplomacy to military pre-emption. The is how the security concept of the Bush administration, as currently presented, quite conspicuously contradicts the democracy-adequate model developed initially, essential elements of which could be found in the strategies of Bush Senior and Clinton, but which could be seen to lose importance during the 1990's.

### 5.3 The causes of the development

Two factors appear to be crucial to these deviations and the tendency overall:

Firstly, an enormous inertia has become apparent throughout the concept of thinking, threat analyses, dispensings and associated military structures in the nuclear sector developed in the East-West conflict. The addressees of these concepts were of course transposed from strategic competition with the Soviet Union to the reinsurance against Russia, the anticipatory insurance against China and/or the stemming of rogue states and the fight against their supposed terrorist allies. Despite this enormous swing in strategic reasons, the preferred remedies remained the same. This operation which pushed logic to its limits was facilitated by the obviously enormously strong position of the security policy elite and their bureaucratic elements in the American decision-making process.

This strength appears to be based on three pillars:

- The basic views voiced by public opinion clearly differ from the concepts of this elite, the public does not take foreign and security policy seriously enough, however, or are not interested enough in it for it to become a central criterion when making voting choices. This trend increased in the 1990's. The elite is therefore given considerable freedom of action to put its own preferences into practice.
- A security concept based exclusively on American strength finds a very positive response in the purely conservative to extreme circles, controlled at present by the Republican party. Here, the self-portrait of American exceptionalism, of the special moral position of the USA, is characterised with particular emphasis. Owing to the relationships of power at the end of the East-West conflict, this self-portrait could unfold at the political level unhindered: the contrast between the USA and the world reveals not only a dangerously strong accentuation of images of all anti-Democratic opponents to the USA as enemies. There also emerges the imperative for her own superiority and invulnerability and demands for unassailable leadership and following from others who exclude a cooperative security policy *a priori*. Support for this important political might extends the security elite's freedom of action.
- This freedom of action is promoted by the way in which the image of the enemy is developed and presented in contrast to the democratic self-portrait. The moral contrast between "we" and "them" increases the impression of imminent danger and essential remedial action. Under the impression of this perceived danger, the concerned public agrees with the counter-measures proposed by the elite, as shown in the Iraq question. However, when told the details and questioned, this

public becomes more sceptical and critical. It is true, the public only comes across these details through the artificial means of a survey which, as known, only reaches a selected sample.

Secondly, the anti-arms control tendencies of the 1990's developed to the extent that the public rapidly lost interest in matters of nuclear armament. In the transition phase at the end of the Cold War, the attention paid was high, it was a question, however, of allaying the central danger of the old era, the intercontinental nuclear war. The American-Soviet (later Russian) talks received a lot of attention. This also applied to the period directly afterwards when the news of "loose nukes" worried the public. Thereafter, the debate cooled off noticeably. The various proposals for extensive or comprehensive nuclear disarmament in the mid-1990's were already more or less the pure concern of experts and failed to interest the public, the highly technical character of these concepts would have surely contributed to this, too. Towards the end of the 1990's, there was just a very limited spell of public excitement about the Test Ban Treaty and its rejection, which was not enough, however, to lead to a really wide debate. Soon after that, September 11<sup>th</sup> dominated the picture. By bringing together the terror risk, nuclear threat, proliferation and its own deterrence ability, the Bush government gave the impression of a competent and active response to a big threat. Vested with this trust, the government went about dismantling the multilateral, cooperative security policy scarcely unhindered. We are now facing the paradoxical result that the institutional mechanisms of American democracy have annulled the effectiveness of the most important mechanism for a peaceful democratic nature, the informed public debate.

#### 5.4 Outlook

What faces us in the form of a problematic new orientation of American security policy is not, as often incorrectly claimed, the effect of American superiority. The position of the USA as the exception forms a "structure of opportunity", a wealth of possibilities which can be pursued in quite different ways. The way in which American governments have used them, also varied considerably in the 1990's. The specific response of the current Bush administration is therefore not the result of international power relations. They simply enable the unfolding of American power, but do not define its contents and direction. The latter is much more the result of the internal American constellations. They can, therefore only be corrected conclusively by the USA.

It is true that external interaction is useful and essential to this correction. The American public, especially the extremely silent yet existent "Republican middle", must be clearly shown that the USA is isolating herself with Bush policy, that friends are opposing her, and that, if she continues on this course, America will contravene her own interests. The signals that have been coming from Europe since George Bush took office, in this respect, have been nowhere near clear and uniform enough; the European countries' cacophonous Iraq policy is the most drastic example here.

Yes, there is occasional criticism, yes, there were closed European positions here and there – for example in the case of bioweapons. But the resistance was altogether far too

dominated by efforts to play down differences in order to create a good mood among the allies. In addition to that, the USA has almost always managed to break down any united fronts of Europeans – when they have existed; Great Britain always played the role of the weakest member in this respect.

When Europe decides to make progress with her project of an increasingly legitimised and multilateral security policy, there will be an urgent need for a change: Europe will speak either with one voice or collapse into vassals and pariahs. In this case, the steamroller of American unilateralism would roll on unstoppably.

**Abbreviations**

ABM	Anti-Ballistic Missile Treaty
CD	Conference of Disarmament
CISAC	Committee on International Security and Arms Control
CTBT	Comprehensive Test Ban Treaty
CTR	Co-operative Threat Reduction
DCI	Defense Counterproliferation Initiative
DoD	Department of Defense
DoE	Department of Energy
HEU	Highly Enriched Uranium
IAEA	International Atomic Energy Agency
MPC&A	Material Protection, Control & Accountancy
NPR	Nuclear Posture Review
NPT	Non-proliferation Treaty
PAROS	Prevention of Arms Race in Outer Space
PTBT	Partial Test Ban Treaty
SALT	Strategic Arms Limitation Talks
SDI	Strategic Defense Initiative
SLBM	Submarine-Launched Ballistic Missile
SLCM	Submarine-Launched Cruise Missile
SORT	Strategic Offensive Reductions Treaty
START	Strategic Arms Reduction Treaty
STI	Safeguards, Transparency, and Irreversibility
WMD	Weapons of Mass Destruction
WTO	World Trade Organisation
TNW	Tactical Nuclear Weapon