

Title	Reducing the Role of Nuclear Weapons
Author(s)	Kurosawa, Mitsuru
Citation	Osaka University Law Review. 2012, 59, p. 77-96
Version Type	VoR
URL	https://hdl.handle.net/11094/11392
rights	
Note	

Osaka University Knowledge Archive : OUKA

<https://ir.library.osaka-u.ac.jp/>

Osaka University

Reducing the Role of Nuclear Weapons

*Mitsuru KUROSAWA**

Abstract

This article examines and evaluates progress on implementing President Obama's call for the reduction of the role of nuclear weapons in national security strategy. In order to make a more peaceful and secure international community, it is indispensable to reduce the role of nuclear weapons. I will take up three concrete measures for reducing the role of nuclear weapons, that is, no first use of nuclear weapons, negative security assurances, and de-alerting of strategic forces. After examining the progress and shortcomings of initiatives in the three areas, I will discuss what efforts should be made in each area to make further progress in the reduction of the role of nuclear weapons in order to eventually secure international peace and security in a world without nuclear weapons.

I. Introduction

On April 5, 2009 in Prague, the Czech Republic, United States President Barak Obama clearly and with conviction stated America's commitment to seek the peace and security of a world without nuclear weapons, and proclaimed that "the U.S. will take concrete steps toward a world without nuclear weapons. To put an end to Cold War thinking, we will reduce the role of nuclear weapons in our national security strategy and urge others to do the same."¹⁾

Even in the early days of the U.S. Presidential campaign in 2007, when he did not mention a world without nuclear weapons at all, Obama emphasized that "We must also work with Russia to update and scale back our dangerously outdated Cold War nuclear postures and de-emphasize the role of nuclear weapons."²⁾

From these and other statements, it is clear that the President's main and core argument for nuclear disarmament is to reduce or de-emphasize the role of nuclear

* Professor, Osaka Jogakuin College, Professor Emeritus at Osaka University

1) The White House, Office of the Press Secretary, "Remarks by President Barak Obama," Prague, Czech Republic, April 5, 2009. <http://www.whitehouse.gov/the_press_office/Remarks-By-President-Obama-in-Prague-As-Delivered/>

2) Barak Obama, "Renewing American Leadership", *Foreign Affairs*, 86-4 (July/August 2007): 8.

weapons and put an end to Cold War thinking or scale back Cold War postures. In recent statements, the President has emphasized the need to reduce the number and role of nuclear weapons. Although the reducing the number of nuclear weapons is a natural demand for nuclear disarmament, he puts a strong emphasis on reducing the role of nuclear weapons.

Non-nuclear-weapon states including the members of the New Agenda Coalition (NAC) have generally welcomed President Obama's initiative for reducing the role of nuclear weapons. The NAC stated at the 2010 NPT (Nuclear Non-proliferation Treaty) review conference that "The NAC also welcomes moves towards reducing the role and potential uses of nuclear weapons in the security strategies of some nuclear weapons, most recently as announced by the United States. However, further significant doctrinal shifts by all nuclear-weapon states are urgently needed to bring us closer to a nuclear-weapon-free world.³⁾" As concrete measures, the NAC asked nuclear-weapon states "to report on steps taken or further steps planned to reduce and eliminate the role of nuclear weapons in collective security doctrines, to refrain from pursuing military doctrines which emphasize the importance of nuclear weapons or which lower the threshold of their use, and to call for further concrete measures to be taken to decrease the operational readiness of nuclear weapons systems, with a view to ensuring that all nuclear weapons are removed from high alert status⁴⁾."

The final document of the 2010 NPT review conference recommends nuclear-weapon states further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines, and policies (Action 5 (c)).

The main purpose of this paper is to examine and evaluate the progress of President Obama's call for the reduction of the role of nuclear weapons. It answers the following questions. What measures have been taken to accomplish this goal? How is the progress in implementing these measures? What measures should be taken as soon as possible? Specifically I will discuss three concrete measures for reducing the role of nuclear weapons in security strategy or policy; no first use of nuclear weapons, negative security assurances, and de-alerting strategic forces.

3) 2010 NPT Review Conference, Statement by Ambassador Hisham Bahr, Permanent Representative of Egypt to the United Nations in Geneva on Behalf of the New Agenda Coalition, 4 May 2010, New York.

4) 2010 NPT Review Conference, Working Paper submitted by Egypt on behalf of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden as members of the New Agenda Coalition, NPT/CONF.2010/WP.8, 23 March 2010.

II. No First Use of Nuclear Weapons

Historical Development of No First Use

“No first use” means not to use nuclear weapons first, whereas “second use” means to use nuclear weapons after another country has used nuclear weapons first. The main argument for “no first use” concerns how to respond to an attack by chemical, biological, or conventional weapons. If a nation adopts a no first use policy, it vows not to use nuclear weapons against any non-nuclear attack, and use them only against nuclear attacks. Usually, a no first use policy is expressed as a declaratory policy of a state.

During the Cold War era, the Soviet Union declared a no first use policy partly because its conventional forces were much bigger than those of the United States and the North Atlantic Treaty Organization (NATO). The U.S. and NATO expressed a first use policy of nuclear weapons if and when their conventional forces could not prevent or turn back an invasion by the Soviet Union and the Warsaw Treaty Organization (WTO). However, even during the Cold War, Robert McNamara and others proposed that NATO adopt a no first use policy⁵⁾, and with the end of the Cold War the argument for a no first use policy has been widely expressed.

The Report of the Canberra Commission on the Elimination of Nuclear Weapons in August 1996 proposed that there should be “agreement amongst the nuclear weapon states of reciprocal no first use undertakings, and of a non-use undertaking by them in relation to the non-nuclear weapon states,” as one of the measures which should be taken immediately⁶⁾. The report by the National Academy of Sciences of the U.S. submitted in 1997 stated, “The committee has concluded that the dilemmas and dangers of nuclear deterrence as practiced by the United States in the past can and should be alleviated in the post-Cold War security environment by confining such deterrence to the *core function* of deterring nuclear attack, or coercion by threat of nuclear attack, against the United States or its allies. That is, the United States would no longer threaten to respond with nuclear weapons against conventional, chemical, or biological attacks⁷⁾.”

5) McGeorge Bundy, George F. Kennan, Robert S. McNamara, and Gerard Smith, “Nuclear Weapons and the Atlantic Alliance,” *Foreign Affairs*, 60-4 (Spring 1982): 753-768.

6) Canberra Commission on the Elimination of Nuclear Weapons, *Report of the Canberra Commission on the Elimination of Nuclear Weapons*, Department of Foreign Affairs and Trade, (Australia, August 1966).

7) Committee on International Security and Arms Control, National Academy of Sciences, *The*

The 2000 NPT review conference was successful to adopt a final document, and agreed on thirteen concrete nuclear disarmament measures after the negotiations with nuclear-weapon states based on proposals submitted by the New Agenda Coalition (NAC). In particular, one of the steps leading to nuclear disarmament by all nuclear-weapon states would be to ensure “A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination⁸⁾.” The NAC underscored the imperative of lessening the role of nuclear weapons in security policy and proposed to adapt their nuclear policies and postures so as to preclude the use of nuclear weapons. The general response by the nuclear-weapon states was negative to these proposals, and the focal point of discussions was on whether to “minimize” or “exclude” the risk that these weapons ever be used. The final document used the wording “minimize.” However, since then, no concrete steps have been taken on implementing this recommendation.

In 2001, President George W. Bush submitted a nuclear posture review report⁹⁾. The President had earlier said that he would reduce the role of nuclear weapons, but instead he decided to increase their role by planning a preemptive or preventive use of nuclear weapons against rouge states, develop new kinds of nuclear weapons, and shorten the preparation time for the resumption of nuclear testing. The report listed as possible targets of a nuclear attack not only Russia and China, but also North Korea, Iran, Iraq, Libya and Syria.

Recent Arguments on No First Use

In January 2007, George Schultz, Henry Kissinger and others argued for a world free of nuclear weapons¹⁰⁾, partly as a way of confronting the dangerous policy of the Bush administration. Ivo Daalder, later to become U.S. ambassador to NATO, proposed to adopt a no first use policy¹¹⁾. President Obama, looking forward to a

Future of U.S. Nuclear Weapons Policy, (National Academy Press, Washington, D. C., 1997).

- 8) 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Volume I, New York, 2000. NPT/CONF.2000/28 (Part I and II)
- 9) Nuclear Posture Review [Excerpts] Submitted to Congress on 31 December 2001, 8 January 2002, Nuclear Posture Report. <<http://www.globalsecurity.org/wmd/library/policy/dod/npr.htm>>
- 10) George P. Schultz, William J. Perry, Henry A. Kissinger and Sam Nun, “A World Free of Nuclear Weapons,” *The Wall Street Journal*, January 4, 2007. <http://www.fenl.org/issues/item.php?item_id2252&issue_id=54>
- 11) Ivo Daalder and Jan Lodal, “The Logic of Zero: Toward a World without Nuclear Weapons,” *Foreign Affairs*, 87-6 (November/December 2008): 84.

world without nuclear weapons even during his election campaign, took a completely different position from that of President Bush. He later suggested to take a new policy for the use of nuclear weapons by stating in Prague “In order to put an end to Cold War thinking, the United States would reduce the role of nuclear weapons in its national security strategy and urges others to do the same¹²⁾.”

In 2009, Scott Sagan argued that “the United States should, after appropriate consultation with allies, move toward adopting a nuclear-weapons no-first-use declaratory policy by stating that the role of US nuclear weapons is to deter nuclear weapons use by other nuclear-weapon states against the United States, our allies, and our armed forces, and to be able respond, with an appropriate range of nuclear retaliation options, if necessary, in the event that deterrence fails¹³⁾.” Comments by four experts to Sagan’s argument and Sagan’s responses to those comments were presented on the same journal two issues later¹⁴⁾.

The Final Report of the Congressional Commission on the Strategic Posture of the United States, which was chaired by William Perry and James Schlesinger, came out with the contrary view: “The Commission has considered whether the United States should adopt a policy of no-first-use, whereby the United States would foreswear the use of nuclear weapons for any purpose other than in retaliation for attack by nuclear means on itself or its allies. But such a policy would be unsettling to some U.S. allies. It would also undermine the potential contributions of nuclear weapons to the deterrence of attack by biological weapons,” and it recommended, “It should not abandon calculated ambiguity by adopting a policy of no-first-use¹⁵⁾.”

“No First Use” and “the Sole Purpose”

In the context of the argument of no first use, the statement “the sole purpose of nuclear weapons is to deter a nuclear attack” has appeared. Michael Gerson argues that “the United States can safely adopt a declaratory policy of no first use and that such a policy would contribute significantly to U.S. national security and strategic

12) The White House, Office of the Press Secretary, “Remarks by President Barak Obama,” Prague, Czech Republic, April 5, 2009. <http://www.whitehouse.gov/the_press_office/Remarks-By-President-Barak-Obama-In-Prague-As-Delivered/>

13) Scott D. Sagan, “The Case for No First Use,” *Survival*, 51-3 (June-July 2009): 164.

14) “The Case for No First Use: An Exchange,” *Survival*, 51-5 (October-November 2009): 18-46.

15) William J. Perry, Chairman and James R. Schlesinger, Vice-Chairman, *America’s Strategic Posture: The Final Report of the Congressional Commission on the Strategic Posture of the United States*, (United States Institute of Peace Press, Washington, D. C., 2009): 36-37.

stability. A credible NFU policy would entail a presidential declaration that the United States will not be the first to use nuclear weapons in conflict, and that the sole purpose of U.S. nuclear weapons is to deter—and, if necessary, respond—to the use of nuclear weapons against the United States and its allies and partners¹⁶⁾.” He uses “no first use” and “sole purpose” as if they have almost the same meaning.

The International Commission on Nuclear Non-proliferation and Disarmament (ICNND) sponsored by the Governments of Australia and Japan, and co-chaired by Gareth Evans and Yoriko Kawaguchi, submitted its report in December 2009. The report mainly focuses on a short term action agenda ending in 2010 and a medium term agenda of actions to be taken by 2025. The no first use policy was hotly discussed among its members, and the final report states that “Pending the ultimate elimination of nuclear weapons, every nuclear-armed state should make as soon as possible, and no later than 2025, an unequivocal ‘no first use’ (NFU) declaration. If not prepared to go so far now, each such state – and in particular the U.S. in its Nuclear Posture Review – should at the very least accept the principle that the ‘sole purpose’ of possessing nuclear weapons is to deter others from using such weapons against that state or its allies¹⁷⁾.”

According to the concrete timetable of the ICNND report, “the sole purpose” policy should be accepted by 2012 and a “no first use” policy should be declared no later than 2025. Regarding these two terms, the report explains that the preferred position is a clear and unequivocal “no first use” declaration, but there is the cynicism about the Cold War “no first use” commitment of the Soviet Union which has been almost universally dismissed as purely a propaganda exercise. Then they use “the sole purpose” as a different formulation of essentially the same idea¹⁸⁾. They explain the reason why they use the term “the sole purpose” but do not explain the difference of meaning between the two terms.

On this point, one of the co-chairs, Yoriko Kawaguchi clearly states “We thought ‘No First Use’ gains credibility when it is reflected in actual deployment, alert status or launch readiness. We instead proposed ‘Sole Purpose’ Declaration to precede it,” and “The report recommended that by the minimization point of 2025 every nuclear-armed state makes a clear and unequivocal ‘No First Use’

16) Michael S. Gerson, “No First Use: The Next Step for U.S. Nuclear Policy,” *International Security*, 35-2 (Fall 2010): 9.

17) International Commission on Nuclear Non-proliferation and Disarmament (ICNND), *Eliminating Nuclear Threats: A Practical Agenda for Global Policymakers*, (Canberra/ Tokyo, November 2009): xx, 161, 186.

18) *Ibid*, 172-173.

commitment and in the preceding short term leading up to 2012 declares ‘Sole Purpose’¹⁹⁾.” According to her, the two concepts are different not only in meanings, but also in their time of implementation. She emphasized that “sole purpose” precedes “no first use” in the timeline, in accordance with the report’s timeline. This interpretation is unique in the ICNND report which is not accepted in general.

The difference between the two concepts is that the declaration of the sole purpose is in the stage of “deterrence”, whereas declaration of no first use is in the stage of “use”. Moreover, the former does not clearly refer to “no use.” In this sense, it seems to me that the former is a little less unambiguous than the latter. According to an analysis by Morton Halperin, the sole purpose declaration is a less controversial approach, and by not explicitly forswearing the use of nuclear weapons against unexpected threats, such a declaration preserves ‘existential deterrence’ that is the inescapable consequence of having any nuclear weapons and avoids much, if not all, of the political fallout that would result from a no-first-use pledge²⁰⁾. Based on these considerations, the argument surrounding no first use is discussed by using the phrase “the sole purpose” instead of “no first use” within the U.S. administration as is shown in the nuclear posture review.

Nuclear Posture Review by the Obama Administration

The issue of the sole purpose which limits the use or threat of use of nuclear weapons only against a nuclear attack was hotly discussed within the U.S. administration in the process of making nuclear posture review report²¹⁾. The report states that there remains a narrow range of contingencies in which U.S. nuclear weapons may still play a role in deterring a conventional or CBW attack against the United States or its allies and partners, and concludes that “The United States is therefore not prepared at the present time to adopt a universal policy that the ‘sole purpose’ of U.S. nuclear weapons is to deter nuclear attack on the United States and our allies and partners, but will work to establish conditions under which such a policy could be safely adopted.” In summary, the report states, “The United States will continue to strengthen conventional capabilities and reduce the role of

19) Yoriko Kawaguchi, “Special Essay,” Japan Association of Disarmament Studies, *Disarmament Review*, 1 (March 2011): 15-16, 18.

20) Morton H. Halperin, “The Case for No First Use: An Exchange,” *Survival*, 51-5 (October-November 2009): 20-21.

21) Bill Gertz and Eli Lake, “Obama Strategy Frustrate Nuke Foes,” *Washington Times* (April 7, 2010). <<http://washingtontimes.com/2010/apr/07/obama-strategy-frustrate-nuke-foes>>

nuclear weapons in deterring non-nuclear attacks, with the objective of making deterrence of nuclear attack on the United States or our allies and partners the sole purpose of U.S. nuclear weapons. The United States would only consider the use of nuclear weapons in extreme circumstances to defend the vital interests of the United States or its allies and partners²²⁾.”

What the U.S. adopted is not “the sole role” but “the fundamental role”, stating that “The fundamental role of U.S. nuclear weapons, which will continue as long as nuclear weapons exist, is to deter nuclear attack on the United States, our allies, and partners.” The report did not adopt the sole purpose but the direction towards the sole purpose was clearly explained and effort for it was confirmed. The report was criticized by Daryl Kimball and Greg Thielmann who stated that “the United States should adopt a sole-purpose policy now rather than later. Reserving the option to use nuclear force in nonnuclear situations provides little or no deterrent value at a high cost. It undermines the credibility of conventional deterrence, complicates U.S. nonproliferation diplomacy, and can be used by other countries to justify their pursuit or improvement of nuclear weapons²³⁾.” Michael Gerson also criticized the report: “by failing to specify the circumstances under which the United States might use nuclear weapons and instead only stipulating that nuclear weapons would be used in ‘extreme circumstances’ to protect ‘vital interest,’ the NPR has retained much of the imprecision and vagueness that was the hallmark of the previous declaratory policy, commonly known as ‘calculated ambiguity.’ In this sense, the NPR’s new declaratory policy is little more than calculated ambiguity by another name²⁴⁾.”

Compared the previous Nuclear Posture Review under the Bush administration, the new report can be praised as a step forward; it expresses the administration’s will to make effort to establish the conditions under which the policy of the sole purpose can be safely declared. However, the report is disappointing, because his famous and often-cited address that he will reduce the role of nuclear weapons in national security strategy is not materialized in a concrete fashion and the option of first use of nuclear weapons still remains widely.

The first challenge for the future is to establish international circumstances in which the U.S. will be able to adopt a sole purpose policy. The United States has to

22) The Department of Defense, *Nuclear Posture Review Report*, (April 2010): 16-17. <<http://defense.gov/npr/docs/2010/2010%20Nuclear%20Posture%20Review%20Report.pdf>>

23) Daryl Kimball and Greg Thielmann, “Obama’s NPR: Transitional, not Transformational,” *Arms Control Today*, 40-4 (May 2010): 21.

24) Michael S. Gerson, “No First Use: The Next Step for U.S. Nuclear Policy,” 8.

make much more effort to build confidence with Russia and China through bilateral strategic dialogue and lead all nuclear-weapon states to a situation where they can trust each other and make a no first use pledge among them. Furthermore, as the Congressional Commission pointed out, no first use policy would be unsettling to some U.S. allies. In addition, an argument that adoption of a no first use policy might encourage allies to go nuclear has sometimes been used as a justification to oppose the adoption of a no first use policy. Thus, U.S. allies, including Japan, should consider ways in which they can help the U.S. to reduce the role of nuclear weapons in its security policy including the possibility of supporting a sole purpose policy.

III. Negative Security Assurances

Nuclear Non-Proliferation Treaty and Negative Security Assurances

During the negotiating process of the NPT, non-aligned states demanded negative security assurances that nuclear-weapon states would not attack them by nuclear weapons as a price for their abandoning the nuclear option. However, the nuclear-weapon states opposed this idea and instead agreed to give them positive security assurances that they will help them when a non-nuclear-weapon state is a victim of a nuclear attack or threat through the adoption of UN Security Council resolution.

In 1978, at the UN Special Session of the General Assembly on Disarmament, the Soviet Union declared that they would not use nuclear weapons against non-nuclear-weapon states party to the NPT and having no nuclear weapons on its territory. The U.S. and the U.K. declared that they would not use nuclear weapons except in the case of an attack carried out by a non-nuclear-weapon state in association with a nuclear-weapon state. France's declaration limited its non-use pledge only to members of nuclear-weapon-free zones. China, in contrast, promised it would not use nuclear weapons comprehensively to non-nuclear-weapon states.

Several days before the 1995 review and extension conference, the five nuclear-weapon states made declarations on negative security assurances. The declarations of the U.S., Russia, the U.K. and France are the same as follows;

The United States will not use nuclear weapons against non-nuclear-weapon states parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United States, its territory, its armed forces or other

troops, its allies or on a state towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon state in association or alliance with a nuclear-weapon state.

At the conference, many of the non-nuclear-weapon states, in particular the non-aligned movement (NAM) states argued that negative security assurances should be given not as a political and unilateral declaration, but as a legally binding undertaking. As a result, Principles and Objectives for Nuclear Non-Proliferation and Disarmament document states that “further steps should be considered to assure non-nuclear-weapon states party to the Treaty against the use or threat of use of nuclear weapons. These steps could take the form of an internationally legally binding instrument.” However, no further action has been taken to implement this agreement.

Moreover, in spite of this agreement, certain nuclear-weapon states effectively have a policy of “calculated ambiguity”. In particular, the United States under the Bush administration considered the possibility of using nuclear weapons against rouge states, and the 2001 nuclear posture review included North Korea, Iraq, Iran, Syria and Libya as possible targets of a nuclear attack. This clearly contradicts the negative security assurances given in 1995.

Nuclear Posture Review by the Obama Administration

The nuclear posture review announced in April 2010 mentions negative security assurances as a concrete measure for reducing the role of nuclear weapons; it states that “the United States will not use or threaten to use nuclear weapons against non-nuclear weapons states that are party to the Nuclear Non-Proliferation Treaty (NPT) and in compliance with their nuclear non-proliferation obligations.” Its intension is to underscore the security benefits of adhering to and fully complying with the NPT and persuade non-nuclear weapon states party to the Treaty to work with the United States and other interested parties to adopt effective measures to strengthen the non-proliferation regime. North Korea and Iran are excluded from this assurance. The report emphasizes that any state eligible for the assurance that uses CBW would face the prospect of a devastating conventional military response, but reserves the right to make any adjustment in the assurance, given the catastrophic potential of biological weapons and the rapid pace of bio-technology developments²⁵⁾.

The declaration is much clearer than the previous one, and it is called strengthened negative security assurances. On this point, Secretary of Defense

25) The U.S. Department of Defense, *Nuclear Posture Review*, 15.

Robert Gates explains that “the NPR includes significant changes to the U.S. nuclear posture. New declaratory policies remove some of the calculated ambiguity in previous U.S. declaratory policy²⁶⁾.”

This new declaration is generally accepted as being an advance from the previous one, but a question remains as to who will judge whether a state is eligible for assurances, that is, whether a state is a party to the NPT or not, and whether a state is in violation of the NPT or not. The U.S. would naturally understand that the U.S. will decide as it stated that North Korea and Iran were excluded. In order to ensure a more objective judgment, it should be decided by the decision of the UN Security Council, as the ICNND recommends that “The only qualification should be that the assurance would not extend to a state determined by the Security Council to be in non-compliance with the NPT to so material an extent as to justify the non-application of any NSA²⁷⁾.”

This strengthened NSA by the U.S. is a step forward and is clearer than the previous one. It is now necessary to expand this NSA through the same kind of declaration by other nuclear-weapon states, and to have a common declaration among the nuclear-weapon states.

Legally Binding Negative Security Assurances

Non-nuclear-weapon states, in particular, the Non-Aligned States have consistently asked for a legally binding NSA since the early days of the NPT negotiation. The document adopted at the 1995 NPT review conference included such a recommendation. At the 2010 NPT review conference, the NAC stated that “the NAC views negative security assurances as an interim measure; a temporary, but much needed, step towards achieving the total elimination of nuclear weapons, which is the ultimate guarantee against the use of such weapons. It stands to reason that providing legally binding negative security assurances would help foster an international environment conducive to the total elimination of nuclear weapons. The NAC strongly believes that it is imperative for nuclear-weapon states to provide such assurances to NPT states parties that have voluntarily given up the nuclear weapon option²⁸⁾.” The NAM states also argued that a universal,

26) U.S. Department of Defense, “DOD News Briefing with Secretaries Gates, Navy Adm. Mullen, Secretary Clinton, and Secretary Chu from the Pentagon,” April 6, 2010. <<http://www.defense.gov/transcripts/transcript.aspx?transcripted=4599>>

27) International Commission on Nuclear Nonproliferation and Disarmament, *Eliminating Nuclear Threats: A Practical Agenda for Global Policymakers*, 178.

28) 2010 NPT Review Conference, Statement by Egypt on behalf of the New Agenda Coalition, Subsidiary Body I, 10 May 2010.

unconditional and legally binding instrument on security assurances for non-nuclear-weapon states should be pursued as a matter of priority²⁹⁾.

Russia stated that “Russia consistently stands for an urgent elaboration of an international convention to assure non-nuclear-weapon states against the use or threat of use of nuclear weapons³⁰⁾.” China argued that a universal, unconditional and legally binding international legal instrument on negative security assurances should be concluded as soon as possible, and the Conference on Disarmament should start substantive work on concluding an international legal instrument on security assurances to non-nuclear weapon states at an early date³¹⁾.

In contrast, the U. S. argued that the most appropriate way of implementing legally binding negative security assurances is through adherence to protocols for establishing nuclear weapon free zone treaties, and further more that “We are not persuaded that a global convention on negative security assurances is practical or achievable³²⁾.” The position of France was the same.

According to the action plan agreed to at the 2010 NPT review conference, the conference reaffirmed and recognized the legitimate interest of non-nuclear-weapon states in receiving unequivocal and legally binding security assurances from nuclear weapon states. Action 7 states that “all states agree that the Conference on Disarmament should immediately begin discussion of effective international arrangements to assure non-nuclear-weapon states against the use or threat of use of nuclear weapons, to discuss substantively with a view to elaborating recommendations dealing with all aspects of this issue, not excluding an internationally legally binding instrument.”

Many states have argued that the negotiations on negative security assurances should be about making a treaty at the Conference on Disarmament. Norway, in contrast, views that NSAs must be made legally binding, as was agreed in 2000, either through adoption of a new Security Council resolution or a protocol to the NPT³³⁾. The ICNND recommends that “New and unequivocal negative security assurances (NSAs) should be given by all the nuclear-armed states, supported by binding Security Council resolution, that they will not use nuclear weapons against

29) 2010 NPT Review Conference, Statement by Egypt on behalf of the Group of Non-Aligned States Parties, Main Committee I, 7 May, 2010.

30) 2010 NPT Review Conference, Statement by the Russian Federation, Subsidiary Body I, 10, May 2010.

31) 2010 NPT Review Conference, NPT/CONF.2010/WP.68 by China, 6 May 2010.

32) “Ambassador Kennedy on Negative Security Assurances,” CD Plenary Session, February 10, 2011. <<http://geneva.usmission.gov/2011/02/10/conference-on-disarmament/>>

33) 2010 NPT Review Conference, Statement by Norway, Subsidiary Body I, 10 May 2010.

non-nuclear-weapon states³⁴⁾.”

Once the nuclear-weapon states agree on the strengthened negative security assurances modeled by the U.S. formula, the next step is to turn the assurances into a legally binding undertaking. It may be possible to do so by making an independent treaty, negotiating a protocol to the NPT, or adopting a UN Security Council resolution. The nuclear-weapon states should endeavor to establish a legally binding instrument for negative security assurances.

Nuclear-Weapon-Free Zones and Negative Security Assurances

A nuclear-weapon-free zone is an institution established by a treaty in a region, which prohibits not only the production or possession of nuclear weapons but also the deployment of nuclear weapons, meaning a “total absence of nuclear weapons” in the region. In addition, such a treaty includes a protocol under which nuclear-weapon states undertake not to use or threaten to use nuclear weapons. Legally binding negative security assurances are included in the definition of a nuclear-weapon-free zone.

Currently, there are five nuclear-weapon-free zones; Latin America, the South Pacific, Southeast Asia, Africa and Central Asia. However, all five nuclear-weapon states have signed and ratified the protocol only for Latin America, and no nuclear-weapon states has signed the ones for Southeast Asia and Central Asia, because of outstanding issues between regional states and the nuclear-weapon states. The protocols to the treaties in the South Pacific and Africa have been ratified by all nuclear-weapon states except the United States.

At the NPT review conference in May 2010, U.S. Secretary of State Hillary Clinton stated that “And today, I am announcing we will submit protocols to the United States Senate to ratify our participation in the nuclear-weapon-free zones that have been established in Africa and the South Pacific. Upon ratification, parties to those agreements will have a legally binding assurance that the United States will not use or threaten to use nuclear weapons against them, and will fully respect the nuclear-weapon-free status of zones³⁵⁾.”

Such a positive attitude by the Obama administration to the protocols of nuclear-weapon-free zones is welcome, but it is nonetheless overdue since all other nuclear-weapon states have already ratified them. The first challenge is to get advice and

34) International Commission on Nuclear Non-proliferation and Disarmament, *Eliminating Nuclear Threats: A Practical Agenda for Global Policymakers*, 178.

35) 2010 NPT Review Conference, Statement by the United States, General Debates, May 3, 2010.

approval for ratification from the Senate as the two protocols were formally submitted to the Senate on May 2, 2011. The U.S. should make efforts to get approval of ratification from the Senate as soon as possible and make these protocols effective, expanding the sphere of negative security assurances.

The second challenge is to resolve the outstanding issues surrounding nuclear-weapon-free zones in Southeast Asia and Central Asia by addressing claims from the nuclear-weapon states. Hillary Clinton stated that “we are prepared to consult with the parties to the nuclear-weapon-free zones in Central and Southeast Asia, in an effort to reach agreement that would allow us to sign those protocols as well³⁶⁾.” Russia has also stated that “We are ready to assist the states parties in the Central Asia in their dialogue with nuclear-weapon states on the Treaty-related matters. We expect the remaining issues under the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone to be settled as soon as possible through the dialogue between nuclear powers and ASEAN countries³⁷⁾.”

The main issue in Southeast Asia is that the definition of the zone includes not only territorial seas but also continental shelves and exclusive economic zones. The main issue in Central Asia is a possibility that obligations under collective security treaty among Russia and regional states may prevail over treaty obligations. The U.S. and Russia have expressed positive attitudes on a resolution of the issue, and the consultations between the regional states and the nuclear-weapon states have already started. All states concerned should try to resolve issues through dialogue as soon as possible, and the nuclear-weapon states should sign and ratify the protocols.

The third challenge was raised by the states establishing nuclear-weapon-free zones at the 2010 NPT review conference. They wanted nuclear-weapon states to withdraw reservations and unilateral statements attached to their signatures or ratifications of the protocols. They claimed that reservations and unilateral statements weaken negative security assurances by introducing intentional ambiguity. The nuclear-weapon states should hence take action on this issue in order to make negative security assurances stronger and clearer.

The final document of the 2010 NPT review conference recommends that “all concerned states are encouraged to ratify the nuclear-weapon-free zone treaties and their relevant protocols, and to constructively consult and cooperate to bring about the entry into force of the relevant legally binding protocols of all such nuclear-

36) Ibid.

37) 2010 NPT Review Conference, Statement by the Russian Federation, Subsidiary Body I, May 10, 2010.

weapon-free zones treaties, which include negative security assurances. The concerned states are encouraged to review any related reservations.”

IV. De-alerting Strategic Forces

Recent Arguments for De-alerting

Reducing the operational status of nuclear weapons could be seen as one of the strategic steps in deemphasizing the military role of nuclear weapons³⁸).

The famous op-ed piece “A World Free of Nuclear Weapons” by George Schultz, William Perry, Henry Kissinger and Sam Nun in the Wall Street Journal on January 4, 2007 asked leaders of nuclear-weapon states to turn the goal of a world without nuclear weapons into a joint enterprise. The piece argued that “changing the Cold War posture of deployed nuclear weapons to increase warning time and thereby reduce the danger of an accidental or unauthorized use of nuclear weapons” as the first measure among eight to lay the groundwork for a world free of nuclear weapons³⁹).

One year later, the same four wrote another op-ed article “Toward a Nuclear-Free World” that recommends that nations “take steps to increase the warning and decision times for the launch of all nuclear armed ballistic missiles, thereby reducing risks of accidental or unauthorized attacks.” Reasons for de-alerting are that firstly an alert posture is unnecessary and dangerous in today’s environment and secondly that developments in cyber-warfare pose new threats that could have disastrous consequences⁴⁰).

The final document of the 2000 NPT review conference recommends “Concrete agreed measures to further reduce the operational status of nuclear weapons systems” as one of the steps taken by all the nuclear-weapon states leading to nuclear disarmament⁴¹).

38) PIR Center and Ploughshares Fund, Recommendations of the Sustainable Partnership with Russia (SuPR) Group, (March 2011): 2. <<http://www.ploughshares.org/sites/default/files/SuPR%20Group%20Letter%20&%20Recommendations.pdf>>

39) George P. Schultz, William J. Perry, Henry A. Kissinger and Sam Nun, “A World Free of Nuclear Weapons,” *The Wall Street Journal*, January 4, 2007. <http://www.fenl.org/issues/item.php?item_id_2252&issue_id=54>

40) George P. Schultz, William J. Perry, Henry A. Kissinger and Sam Nun, “Toward A Nuclear-Free World,” *The Wall Street Journal*, January 15, 2008. <http://www.nti.org/c_press/TOWARD_A_NUCLEAR_FREE_WORLD_OPED_011508.pdf>

41) 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Volume I, New York, 2000. NPT/CONF.2000/28 (Parts I and II)

Bruce Blair, one of the most active proponents of de-alerting, pointed out the following four risks in the current nuclear posture of launch-ready alert.

- i) degradation of Russian early warning system
- ii) serious deficiencies on strict safeguards on strategic nuclear forces
- iii) opportunity for terrorists to capture or steal nuclear weapons
- iv) lending of legitimacy to nuclear ambitions or the adoption of launch-ready posture

He also pointed out the following four benefits of de-alerting.

- i) reduced risk of mistaken launch
- ii) strengthened safeguards against unauthorized use and terrorist exploitation
- iii) strengthened crisis stability
- iv) curbed incentive to proliferation by downgrading the role of nuclear weapons⁴²⁾.

Sam Nun also argues for de-alerting, stating that “In order to reduce the risk of a mistaken nuclear launch to as close to zero as possible, the United States and Russia should as a high priority pursue steps to increase warning and decision time for US and Russian leaders. Such steps could include a mix of unilateral and joint or bilateral measures relating to US and Russian early warning (beyond the building and staffing a Joint Early Warning Center), command and control, and force posture, including reductions in warheads on prompt launch status.⁴³⁾”

A recent New York Times editorial argues that “The United States and Russia each still have about 1,000 weapons ready to fire at a moment’s notice. Mr. Obama has rightly described this as a dangerous cold war relic. The review should commit to taking as many of those forces off hair-trigger alert as possible – and encourage Russia to do the same.⁴⁴⁾”

Nuclear Posture Review by the Obama Administration

Currently, U.S. nuclear-capable heavy bombers are off full-time alert, but nearly all ICBMs remain on alert, and a significant number of SSBNs are at sea at any given time. The NPR considered the possibility of reducing alert rates for ICBMs and at-sea rates of SSBNs, and concluded that such steps could reduce crisis

42) Bruce Blair, “De-alerting Strategic Forces,” Hoover Institution, *Reykjavik Revisited: Steps Toward A World Free of Nuclear Weapons*. (October 2007): 25-31. <<http://www.hoover.org/publications/books/online/15766737.html>>

43) Sam Nun, “NATO Nuclear Policy and Euro-Atlantic Security,” *Survival*, 52-2 (April-May 2010): 15.

44) Editorial, “New Think and Old Weapons,” *New York Times*, February 28, 2010. <<http://www.nytimes.com/2010/02/28/opinion/28sunl.html>>

stability by giving an adversary the incentive to attack before “re-alerting” is complete.

The NPR concludes that the current alert posture of U.S. strategic forces should be maintained and the U.S. should continue the practice of “open-ocean targeting” of all ICBMs and SLBMs. In addition, it recommends that the U.S. make new investments in command and control systems to maximize Presidential decision time in a nuclear crisis, and explore new modes of ICBM basing that could enhance survivability and further reduce any incentives for prompt launch⁴⁵⁾.

Morton Halperin states that “the President should seek the design of a force over time that does not rely either on maintaining alert in peacetime or on moving to such a state in a crisis for survivability.⁴⁶⁾” Hans Kristensen criticizes the NPR: “Overall, the NPR retains the Cold War force structure of nuclear weapons deployed on a Triad of delivery vehicles and concludes that, ‘current alert posture of U.S. strategic forces should be retained for the present.’ President Obama’s campaign pledge to ‘work with Russia to take U.S. and Russian ballistic missiles off hair trigger alert’ appears to have been put on hold.⁴⁷⁾”

Bruce Blair and others have also criticized the NPR: “de-alerting does not create incentives for re-alerting and launching a preemptive attack during a crisis. In fact, done properly, de-alerting stabilizes deterrence.” They emphasize the increase of the liabilities of maintaining such quick-launch postures given the recent surge of terrorism and nuclear proliferation, and the major benefits that going off launch-ready alert would yield, including opening up possibilities for still greater reductions in the size of arsenals⁴⁸⁾.

The decision of the NPR to maintain the current alert posture is very disappointing because President Obama had clearly supported de-alerting in the early days of presidency. For instance, in April 2009, the U.S. Foreign Policy clearly stated that “Obama and Biden will work with Russia to take U.S. and Russian ballistic missiles off hair trigger alert⁴⁹⁾” and the U.S. Homeland Security

45) The U.S. Department of Defense, *Nuclear Posture Review Report*, (April 2010): 25-27. <<http://www.defense.gov/npr/docs/2010%20Nuclear%20Posture%20Review%20Report.pdf>>

46) Morton Halperin, “A New Nuclear Posture,” *Arms Control Today*, 40-4 (May 2010): 18.

47) Hans Kristesen, “The Nuclear Posture Review,” *FAS Strategic Security Blog*, (April 8, 2010). <<http://www.fas.org/blog/ssp/2010/04/npr2010.php>>

48) Bruce Blair, Victor Esin, Matthew McKinzie, Valery Yarynich, and Pacel Zolotarev, “Smaller and Safer: A New Plan For Nuclear Posture,” *Foreign Affairs*, 89-5 (September-November 2010): 13.

49) White House, *The Agenda: Foreign Policy*. <http://www.whitehouse.gov/agenda/foreign_policy/>

Policy stated that “Obama and Biden will work with Russia to increase warning and decision time: work with Russia to end dangerous Cold War policies like keeping nuclear weapons ready to launch on a moment’s notice, in a mutual and verifiable manner.⁵⁰⁾”

2010 NPT Review Conference

This issue was discussed hotly at the conference. The Australian and Japanese proposal called on “all states possessing nuclear weapons to take measures to reduce the risk of their accidental or unauthorized launch and to further reduce the operational status of nuclear weapon systems in ways that promote international stability and security.⁵¹⁾”

In particular, New Zealand, together with Chile, Malaysia, Nigeria and Switzerland submitted a working paper recommending that the Conference 1) recognize that reduction in alert levels would contribute to the process of nuclear disarmament through the enhancement of confidence-building and transparency measures and a diminishing role for nuclear weapons; 2) urge that further concrete measure be taken to decrease the operational readiness of nuclear weapon systems, with a view to ensuring that all nuclear weapons are removed from high alert status; and 3) call on the nuclear-weapon states to regularly report on measures taken to lower the operational readiness of their nuclear weapons systems.⁵²⁾”

The final document of the 2010 NPT review conference recommends that the nuclear-weapon states under Action 5 (e) consider the legitimate interest of non-nuclear-weapon states in further reducing the operational status of nuclear weapons systems in way that promote international stability and security; (f) reduce the risk of accidental use of nuclear weapons.

V. Conclusion

President Obama’s strong call for reducing the role of nuclear weapons has resulted in some progress towards that goal, but much of his dream remains unrealized. Adopting a no first use policy or sole purpose policy in order to reduce the role of nuclear weapons in security policy has been advocated by numerous

50) White House, The Agenda: Homeland Security. <http://www.whitehouse.gov/agenda/homland_security/>

51) 2010 NPT Review Conference, Working Paper submitted by Australia and Japan, NPT/CONF.2010/WP.9, 24 March 2010.

52) 2010 NPT Review Conference, Working Paper submitted by New Zealand on behalf of Chile, Malaysia, Nigeria and Switzerland, NPT/CONF.2010/WP.10, 23 March 2010.

politicians, scholars, commissions, non-nuclear weapons states, and recently by the ICNND. During the discussion of the nuclear posture review under the Obama administration, there were hot debates within the administration, but finally it could not accept a sole purpose policy. The U.S. is not prepared to adopt a sole purpose policy but will work to establish conditions under which such a policy could be safely adopted. The U.S. should make efforts to establish such conditions by constructively engaging Russia and China in strategic dialogue and foster confidence and trust. In addition, non-nuclear-weapons states that are allies with the U.S. such as NATO countries, Japan and South Korea should help to ensure that a no first use or sole purpose policy will be eventually be adopted. It is because those who oppose a no first use policy sometimes refer the danger that if the U.S. adopts such a policy, an allied non-nuclear-weapons state would go nuclear.

We can identify some progress on negative security assurances; the U.S. proclaimed stronger negative security assurances by abandoning the calculated ambiguity policy in using nuclear weapons against non-nuclear-weapon states parties to the NPT and in compliance with their NPT obligations. The U.S. also expressed willingness to ratify the protocols of the South Pacific Nuclear-Free Zone Treaty and African Nuclear-Weapon-Free Zone Treaty. Ratification would result in full implementation of two protocols which obligate nuclear-weapon states to give legally binding negative security assurances to the member states of the zones. In addition, the U.S. is actively promoting dialogue between the nuclear-weapon states and zonal states of the Southeast Asia and Central Asia, so that legally binding negative security assurances will eventually be given to the zones' members. In other developments, non-aligned states have argued for universal legally binding negative security assurances to the NPT non-nuclear-weapon states.

On the other hand, The U.S. continued policy on alert status of strategic forces in the nuclear posture review is very disappointing. In spite of Obama's positive attitude towards de-alerting in early days of his presidency, the nuclear posture review decided to keep the current policy of hair-trigger alert status. In the current circumstances where it is unthinkable or unimaginable that Russia or China would suddenly attack the U.S. with a massive number of nuclear weapons, I believe that keeping a hair-trigger alert status poses risks without any counterbalancing merit.

In order to make a more peaceful and secure international community, it is necessary to reduce the role of nuclear weapons in each nation's security policy as there are now strong arguments towards this direction. In addition to the efforts to reduce the role of nuclear weapons in a military and security policy, we have to make efforts to reduce the role of nuclear weapons in political policy.

