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Nuclear Policy of the Bush Administration: A Critical Analysis

*Mitsuru KUROSAWA**

The Bush Administration, which inaugurated in January 2001, has pronounced many policy statements that were quite different from the ones by the former Clinton Administration. In this article, I will critically analyze the nuclear policy of the Bush Administration as well as its security policy in general. First, I will introduce and examine some important policy statements by the Bush Administration chronologically. Then I will take up and analyze some concrete policies of nuclear-related issues; reduction of nuclear weapons, missile defense, non-proliferation of nuclear weapons, and non-use of nuclear weapons. Finally I will make the fundamental characteristics of the Administration's nuclear policy clear.

Nuclear-Related Policy Statements by the Administration

Remarks by the President at National Defense University, May 1, 2001¹⁾

The remarks at the National Defense University is the first formal policy statement by the President, and it clearly expresses fundamental ideas of the new Administration that are cornerstone of its concrete policies, although details of the ideas are left for later clarification.

In the remarks, on a new threat he said, "Russia is no longer our enemy, but this is still a dangerous world, a less certain, a less predictable one...Unlike the Cold War, today's most urgent threat stems...from a small number of missiles in the hands of these states, states for whom terror and blackmail are a way of life."

In order to respond to the new threat, he said, "Today's world requires a new policy, a broad strategy of active non-proliferation, counterproliferation and defenses...We need new concepts of deterrence that rely on both offensive and

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1) George W. Bush, "Remarks by the President to Students and Faculty at National Defense University," Fort Lesley J. McNair, Washington, D.C., May 1, 2001
[<http://www.whitehouse.gov/news/releases/2001/05/20010501-10.html>]

defensive forces...Defenses can strengthen deterrence by reducing the incentive for proliferation. We need a new framework that allows us to build missile defenses to counter the different threats of today's world. To do so, we must move beyond the constraints of the 30-year-old ABM Treaty."

In regard to reduction of nuclear weapons, he said, "I am committed to achieving a credible deterrent with the lowest-possible number of nuclear weapons consistent with our national security needs, including our obligations to our allies. My goal is to move quickly to reduce nuclear forces. The United States will lead by example to achieve our interests and the interest for peace in the world."

In this statement, the President Bush made Administration's fundamental posture clear by presenting his idea on the new threat to the U.S., the importance of missile defense, and unilateral reduction of strategic nuclear weapons.

Terrorist Attacks, September 11, 2001 and War against Terrorism

Terrorist attacks on World Trade Center in New York and on the Pentagon in Washington, D.C. on September 11, 2001 have a significant impact on the security policy of the Bush Administration. President Bush declared a war against terrorism and developed naïvely simple logic by asking everybody whether you were on our side or on terrorist side. In October, he started his campaign against terrorists in Afghanistan.

Firstly, in order to proceed with his campaign, it was necessary to have an international cooperation, and he got necessary substantial cooperation not only from allied and friendly countries like NATO states, but also from Russia. Further, even China supported his campaign against terrorism. As a result, a strong criticism to U.S. unilateralism which had been so popular among many states including the NATO states, Russia and China, was radically softened. It was a big change of international relations in the context of the U.S.

Secondly, as the terrorist attacks were carried out by crashing hijacked civil airplanes to the World Trade Center and the Pentagon, some argued against Bush's missile defense program by saying that terrorists have much wider option for attacks than ballistic missiles. However, the Bush Administration argued for missile defense, insisting that these attacks accentuated the importance of the missile defense even stronger than before. His argument has prevailed since.

Thirdly, in the domestic politics, the Democrats which commanded majority in the Senate were opposed to the missile defense program promoted by the President. During the debate on missile defense budget, the Senate was going to reduce the

amount proposed by the President. However, the terrorist attacks on September 11th put priority on the non-partisan support to the war against terrorism, and induced to shelve the debate on the missile defense budget.²⁾ As a result, original budget demanded by the President was accepted.

The Bush Administration was clever enough to exploit every opportunity that emerged in the aftermath of the terrorist attacks, and pushed on his policy accordingly.

Unilateral Reduction of Strategic Nuclear Warheads, November 13, 2001

The U.S. and Russia have conducted consultations on strategic issues in general, but they could not reach an agreement on how to deal with the ABM Treaty in particular. It was expected that they would hammer out a compromise on strategic offensive weapons and strategic defensive weapons at the summit in Washington, D.C. and Crawford in November 2001. However, the compromise did not come about, and the U.S. announced its plan to unilaterally cut its strategic nuclear warheads at the summit.

President Bush announced, "The current levels of our nuclear forces do not reflect today's strategic realities. I have informed President Putin that the United States will reduce our operationally deployed strategic nuclear warheads to a level between 1,700 and 2,200 over the next decade, a level fully consistent with American security,"³⁾

President Putin responded by saying, "Here I must say, we appreciate very much the decision by the President to reduce strategic offensive weapons to the limits indicated by him. And we, for our part, will try to respond in kind."⁴⁾ Russia has strongly argued that nuclear reduction by the U.S. and Russia must be done by agreeing a treaty that is reliable and verifiable.

The announcement on the unilateral reduction is what Bush has been arguing for even before he became a president. U.S. position is that it prefers a unilateral cut that will be followed by Russia, and the U.S. will reduce even without reciprocal act by Russia. The main reason for the U.S. is that it will take a lot of time to make

2) On this point, see Senate Carl Levin, "A Debate Deferred: Missile Defense After the September 11 Attacks," *Arms Control Today*, Vol.31, No.9, November 2001, pp.3-5.

3) "President Announced Reduction in Nuclear Arsenal," Press Conference by President Bush and Russian President Vladimir Putin, The East Room, November 3, 2001.
[<http://www.whitehouse.gov/news/releases/2001/11/print/20011113-3.html>]

4) *ibid.*

a treaty and unilateral or reciprocal cut is quicker and easier to make. However, it seems that the real reason for a unilateral cut is U.S. desire to keep flexibility in force structure in order to adjust to changing future security environment.⁵⁾

Withdrawal from the ABM Treaty, December 13, 2001

President Bush has been emphasizing the importance of missile defense since or even before his inauguration, and has made up his mind to move beyond the constraints of the ABM Treaty of 1972. Initially he tried to get Russia's consent to jointly withdraw from the Treaty. However, he could not get an agreement on how to deal with the Treaty, and in December 2001, he finally decided to notify to Russia on the U.S. intention to unilaterally withdraw from the Treaty.

In his remarks on December 2001, he said, "Today, I have given formal notice to Russia, in accordance with the treaty, that the United States of America is withdrawing from this almost 30 year old treaty...Today, the greatest threats to both our countries come not from each other, or other big powers in the world, but from terrorists who strike without warning or rogue states who seek weapons of mass destruction...Defending the American people is my highest priority as Commander in Chief, and I cannot and will not allow the United States to remain in a treaty that prevents us from developing effective defenses."⁶⁾

The United States explained the reasons to withdraw from the ABM Treaty in diplomatic notes sent to Russia, Belarus, Kazakhstan and Ukraine as follows:⁷⁾

Since the Treaty entered into force in 1972, a number of state and non-state entities have acquired or are actively seeking to acquire weapons of mass destruction. It is clear, and has recently been demonstrated, that some of these entities are prepared to employ these weapons against the United States. Moreover, a number of states are developing ballistic missiles, including long-range ballistic missiles, as a means of delivering weapons of mass destruction. These events pose a direct threat to the territory and security of the United States

5) On this point, see the report that is considered most influential to Bush's nuclear policy, National Institute for Public Policy, *Rationale and Requirements for U.S. Nuclear Forces and Arms Control*, Volume I, Executive Report, January 2001.

6) "Remarks by the President on National Missile Defense," December 13, 2001.
[<http://www.whitehouse.gov/news/releases/2001/12/20011213-4.html>]

7) "U.S. Diplomatic Notes on ABM Treaty," U.S. Department of State, *Washington File*, 14 December 2001.

and jeopardize its supreme interests. As a result, the United States has concluded that it must develop, test, and deploy anti-ballistic missile systems for the defense of its national territory, of its forces outside the United States, and of its friends and allies.

Reaction from the Russian Federation was rather restrained. President Putin explained, "We believe this decision to be mistaken. As is known, Russia has long possessed an effective system to overcome anti-missile defense. So, I can say with full confidence that the decision made by the President of the United States does not pose a threat to the national security of the Russian Federation...Russia was guided above all by the aim of preserving and strengthening the international legal foundation in the field of disarmament and non-proliferation of mass destruction weapons."⁸⁾

The U.S. decided to withdraw unilaterally from the Treaty once it became clear that the issue could not be resolved by consultation with Russia. This is the first case that the U.S. withdraws from an arms control and disarmament agreement. From the viewpoint of the U.S., the announcement of the withdrawal follows the provision of the Treaty and it is based on the determination that its supreme interest has been jeopardized. However, almost all other states have argued that the Treaty is a cornerstone of strategic stability, a necessary base for international peace and security, and a prerequisite for further reduction of strategic nuclear weapons.

The announcement of the withdrawal from the Treaty by the strongest country in the world by giving priority to near-sighted national interest and by ignoring international public interest or the interest of legal stability and legal predictability may have an adverse effect to "the rule of law" in international society.

Nuclear Posture Review, January 9, 2002

On Nuclear Posture Review report that was classified and submitted to the Congress on December 31, 2001, we know some elements of the report by a special briefing in January⁹⁾ and a testimony in February 2002.¹⁰⁾ Further, in March, some

8) "Televised Statements by Russian President Vladimir Putin," December 13, 2001. *Disarmament Documentation*, December 2001.

[<http://www.acronym.org.uk/docs/0112/doc01.html>]

9) "Special Briefing on the Nuclear Posture Review," January 9, 2002.

[<http://www.defenselink.mil/news/Jan2002/t01092002-t0109npr.html>]

10) United States Senate, Committee on Armed Services, February 14, 2002, Testimony on the

of the classified parts was leaked and published.¹¹⁾

The first main point of the Nuclear Posture Review is that in order to respond to new kinds of threats, U.S. program on strategic force is to shift from threat-based approach in the Cold War era to capabilities-based approach, that is, from one based on Soviet or Russian threat to one based on capabilities of unpredictable or potential enemies. The U.S. needs capabilities to respond to those unpredictable or potential threats.

The second main point is that in stead of old triad (ICBMs, SLBMs and bombers), a new triad is necessary. The first component of the new triad is non-nuclear and nuclear strike capabilities, the second is defenses including missile defense, and the third is a revitalized defense infrastructure with responsive capabilities.

As to the size of U.S. nuclear forces, the report lists North Korea, Iraq, Iran, Syria and Libya, as well as China and Russia, as the countries that could be involved in contingencies. Nuclear forces are divided into two categories, that is, operationally deployed forces and responsive forces. Operationally deployed strategic nuclear warheads will be reduced to the level of 1,700-2,200, and substantial number of warheads will be retained as responsive forces that can be returned to operational deployment in the case of contingencies.

In order to proceed to the construction of the new triad, it plans aggressive development and deployment of missile defense, urges the necessity to revitalize infrastructure for current nuclear warheads, plans to revive infrastructure for warheads production, recommends to shorten the time for readiness to resume nuclear testing, plans to sustain and modernize the forces of ICBMs, SLBMs and bombers. In particular, the report says that it is indispensable to give nuclear weapons a new task of defeating hard and deeply buried targets.

Regarding nuclear use doctrine, it is suggested that nuclear weapons would be used as a first strike to the targets which could not be destroyed by conventional weapons. Commitment to negative security assurances which means no-use of nuclear weapons to non-nuclear-weapon states becomes more ambiguous, and first-use of nuclear weapons to those sates is suggested.

On the whole, the report on Nuclear Posture Review reaffirms the military and political utility and importance of nuclear weapons. Although operationally

Results of the Nuclear Posture Review.

[http://www.senate.gov/~armed_services/e_witnesslist.cfm?id=165]

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

deployed strategic nuclear warheads will be reduced, it aims at the direction of revitalizing and modernizing U.S. nuclear infrastructure and of using nuclear weapons more easily. The general trend will jeopardize peace and security of international society.

*State of Union Address, January 29, 2002*¹²⁾

The State of Union Address by the President four months after the terrorist attacks mainly deals with the war against terrorism, and it makes two purposes that the U.S. should pursue clear. The first purpose is to shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. For this purpose, the U.S. is acting not only in Afghanistan, but also in the Philippines, Bosnia, Somalia and Pakistan.

The second purpose is to prevent terrorists and regimes who seek chemical, biological or nuclear weapons from threatening the United States and the world, that is, to prevent regimes that sponsor terror from threatening America or its friends and allies with weapons of mass destruction.

North Korea is a regime arming with missiles and weapons of mass destruction, while starving its citizens. Iran aggressively pursues these weapons and exports terror, and Iraq continues to flaunt its hostility toward America and to support terror. States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world.

Following these analyses of the current situation, the address aggressively claims that "We will develop and deploy effective missile defenses to protect America and our allies from sudden attack. And all nations should know: America will do what is necessary to ensure our nation's security."

The address shows the strong will of the President that the U.S. will continue the war against terrorism, criticize the axis of evil who support terrorists, and develop and deploy missile defense.

Signature of the Strategic Offensive Reductions Treaty, May 24, 2002

Although President Bush had been consistently advocating a unilateral nuclear reduction, he finally agreed to negotiate a treaty with Russia, because President

12) "The President's State of the Union Address," The United States Capitol, Washington, D.C., January 29, 2002.

[<http://www.whitehouse.gov/news/releases/2002/01/print/20020129-11.html>]

Putin strongly argued for a treaty of nuclear reduction and Bush thought some compromise was necessary to get and maintain Russia's cooperation in security issues in general. At the Moscow summit in May 2002, the Presidents signed the Strategic Offensive Reductions Treaty.

The Treaty is very simple and concise, consisting of only five articles, which reflects U.S. reluctance to make a treaty. The Treaty contrasts markedly with the START treaties that are long and very precise. The content of the Treaty is just the same as what President Bush stated as a unilateral action.

Only Article I provides for the principal obligation that each Party shall reduce and limit strategic nuclear warheads, so that by December 31, 2012 the aggregate number of such warheads does not exceed 1,700-2,200 for each Party. Each Party shall determine for itself the composition and structure of its strategic offensive arms.

It is not clear whether the strategic nuclear weapons means operationally deployed strategic nuclear warheads as the U.S. declares. There is no provision on accounting rules of warheads. There is a high possibility that these may lead to different interpretation between the U.S. and Russia.

As only the final stage of the reduction process and neither reduction schedule nor midterm stage is provided for, the process of reduction seems to be unclear. In addition, there can be no case of violation during the reduction process except the final day. The final day of the implementation is the same as the final day of the treaty remaining in force.

There is no sub-ceilings on ICBMs, SLBMs or bombers, as each party shall determine for itself the composition and structure. There is no obligation to destroy withdrawn warheads as well as withdrawn delivery systems. The U.S. is planning to retain in storage many of the withdrawn warheads.

Under the SALT Treaties and the START Treaties, delivery vehicles beyond treaty limit were in fact destroyed as a legal obligation, though there was no obligation to destroy nuclear warheads. The possibility of the reuse of delivery vehicles was excluded under the past Treaties. However, the new Treaty permits the reuse of both nuclear warheads and delivery systems, which conflicts directly with the principle of "irreversibility of disarmament process".¹³⁾

There is no provision on verification and inspection in the Treaty, in spite of the fact that verification and inspection has been an indispensable component of arms

13) The principle of irreversibility has been agreed between Presidents Clinton and Yeltsin since the latter half of the 1990s, and incorporated into the final documents of the 2000 NPT Review Conference, as one of the 13 steps for future nuclear disarmament.

control and disarmament agreements. Under Article II, the Parties agree that the START Treaty remains in force in accordance with its terms. It implies that the verification and inspection mechanism under the START Treaty can be used for the implementation of the new Treaty.

Finally, the withdrawal from the new Treaty is much easier than the former Treaties. Under the new Treaty, each Party, in exercising its national sovereignty, may withdraw from this Treaty upon three months written notice to the other Party. The former Treaties permit withdrawal on six months prior notification with statement that extraordinary events related to the subject matter of the Treaty have jeopardized its supreme interests.

Generally speaking, the most outstanding characteristic of the Treaty is its flexibility. The Treaty stipulates only the framework for the reduction but neither precise contents nor precise implementation process of the obligation, leaving each Party to decide. It is precisely because the U.S. prefers a unilateral reduction to a treaty, and the U.S. wants to have as wide as possible free hand.

It is praiseworthy that the U.S. and Russia agreed to reduce each strategic nuclear warheads by two-third in ten years as legally binding obligation. Since the latter half of the 1990s, the relationship between the U.S. and Russia has deteriorated, and no negotiation on nuclear disarmament has conducted. Under the new framework, the new Treaty was born. That is quite significant in the process of nuclear disarmament. However, the real value of the Treaty depends on *bona fide* implementation of the Treaty obligations.

National Security Strategy, September 20, 2002

The report on National Security Strategy of the United States of America¹⁴⁾ was published nearly two years after the inauguration of the Bush Administration. It represents whole security policies of the Bush Administration and is referred to as “Bush Doctrine.” In the introduction, it is asserted that today, the United States of America enjoys a position of unparalleled military strength and great economic and political influence. America will act against such emerging threats as our enemies’ seeking of weapons of mass destruction before they are fully formed.

Regarding strengthening alliance to defeat global terrorism and work to prevent attacks against us and our friends, it states; “While the United States will constantly strive to enlist the support of the international community, we will not hesitate to

14) *The National Security Strategy of the United States of America*, September 2002, The White House, Washington. [<http://www.whitehouse.gov/nsc/nss.pfd>]

act alone, if necessary, to exercise our right of self-defense by acting preemptively against such terrorists, to prevent them from doing harm against our people and our country.”

On preventing our enemies from threatening us, our allies, and our friends with weapons of mass destruction, it says; “The United States has long maintained the option of preemptive actions to counter a sufficient threat to our national security. The greater the threat, the greater is the risk of inaction—and the more compelling the case for taking anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy’s attack. To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively.”

In these descriptions, the report emphasizes the importance and indispensability of taking preemptive actions against terrorists and rogue states.

Regarding transforming America’s national security institutions to meet the challenges and opportunities of the twenty-first century, it states; “We know from history that deterrence can fail; and we know from experience that some enemies cannot be deterred. The United States must and will maintain the capability to defeat any attempt by an enemy—whether a state or non-state actor—to impose its will on the United States, our allies, or our friends. We will maintain the forces sufficient to support our obligations, and to defend freedom. Our forces will be strong enough to dissuade potential adversaries from pursuing a military build-up in hopes of surpassing, or equaling, the power of the United States.” It means the U.S. determination to prevent emergence of any military power that could be as strong as the U.S.

This report deals with security issues in general, but on the one hand, it implies in particular that if the threat from Iraq increases, the U.S. may act alone preemptively even if there is no military attack from Iraq. On the other hand, the message that the U.S. force will be strong enough to dissuade potential adversaries from pursuing a military build-up in hopes of equaling the power of the U.S. is seems to be addressed to China.

As a whole, the report indicates that U.S. foreign policy will be conducted mainly based on the U.S. military strength.

U.S. Concrete Nuclear Policies

Reduction of Nuclear Weapons

The Bush Administration has dealt with the reduction of nuclear weapons from its beginning, and has been stating its intention to substantially reduce strategic nuclear warheads, based on the perception that the Cold War ended and Russia is no longer an enemy. Initially, President Bush was very negative to the concept of arms control and disarmament negotiation and treaty. He declared that the U.S. would reduce its strategic nuclear forces to the lowest-possible number consistent with our national security needs. The policy of unilateral reduction is formally based on the following two reasons; One is that Russia is no longer an enemy, and the other is that treaty-making will take longer time.

As is shown in the shift of U.S. fundamental security policy from threat-based approach mainly concerned with Soviet or Russian threat to capabilities-based approach mainly concerned with uncertain and unpredictable threat, the U.S. nuclear reduction policy reportedly needs to have flexibility in order to respond to uncertain and unpredictable threat. Behind the U.S. insistence on unilateral reduction rather than through treaty-making, there is the U.S. philosophy that the U.S. wants maximum free hand in the reduction of its nuclear weapons in order to cope with uncertain and unpredictable threat.¹⁵⁾

This initial stance has been gradually modified as the U.S.-Russia relation has changed after the terrorist attacks on September 11, 2001. In order to initiate the war against terrorism, the U.S. needs cooperation not only from allied countries like NATO members, but also from Russia that is very influential to Central Asian countries whose cooperation is indispensable for the operation in Afghanistan. Russia also thinks it its interest to have cooperative relation with the U.S. The relationship between the two states has improved. During the consultations thereafter, the U.S. yielded to Russia for negotiating a treaty, because Russia had been demanding to make a treaty in order to reduce nuclear weapons clearly and verifiably.

The Strategic Offensive Reductions Treaty that was signed in May 2002 contains the same substance as the U.S. had declared unilaterally, and takes the

15) On this point, the most influential report was one published by National Institute for Public Policy in January 2001. The report states; "The codification of deep reductions now, according to the traditional Cold War approach to arms control, would preclude the U.S. *de jure* prerogative and *de facto* capability to adjust forces as necessary to fit a changing strategic environment. It would render the U.S. vulnerable to the highly questionable assumption that the international environment is and will continue to be relatively benign...Further adjustment to the U.S. strategic forces must not be rendered practically or legally "irreversible" via codification in the traditional arms control process." (National Institute for Public Policy, *Rationale and Requirements for U.S. Nuclear Forces and Arms Control*, Volume I, Executive Report, January 2001, p.viii.)

form of a treaty as Russia had demanded. The principal obligation under the Treaty is for each party to reduce each strategic nuclear warheads to the level of 1,700-2,200 according to each previous statements. Beyond this there is no precise regulations or limitations. As a result, the Treaty represents maximum flexibility in the implementation of the obligation, as the U.S. demanded.

The Treaty includes no definition of terms regarding principal obligation, no accounting rules of warheads, and no obligation of destruction of withdrawn warheads as well as withdrawn delivery vehicles. The U.S. plans to keep these withdrawn warheads and delivery vehicles in storage and may reuse in the future. There is no provision on reduction schedule or middle stage, and no provision on verification and inspection that has been thought indispensable in arms control and disarmament agreements. Finally, the condition of withdrawal from the Treaty is quite easy.

Thinking of the situation since the latter half of the 1990s where nuclear disarmament negotiation was at stalemate, the signature of the new Treaty in a new framework is praiseworthy. The challenge is how well this Treaty will be implemented; whether the Treaty obligation is smoothly implemented with the improvement of U.S.-Russian relation, or the U.S. will exploit the flexibility of the Treaty in order to advance its unilateral benefits. It is expected that the Treaty will be implemented *bona fide* under the condition of transparency.

The issue of non-strategic or tactical nuclear weapons is a remaining important one in the context of the reduction of nuclear weapons. As mentioned above, the strategic nuclear warheads are going to be reduced, but there is no legal restriction on or reduction of tactical nuclear warheads. President Bush has submitted many statements on nuclear weapons, but he has never talked on the restriction on or reduction of tactical nuclear weapons.

The reduction of strategic nuclear weapons is now possible because he does not think Russia as an enemy any more. He seems to reconfirm the importance of tactical nuclear weapons because, today, rogue states are new threat to the U.S. security.

Under the report of Nuclear Posture Review, it is recommended that a new role of nuclear weapons that can destroy enemy's target in deep underground be pursued. These are tactical nuclear weapons. One of the main reasons why the U.S. never refers to the reduction of tactical nuclear weapons is its reaffirmation of the importance and utility of tactical nuclear weapons. On the other hand, in Russia, so many tactical nuclear weapons are reportedly deployed or stored in insecure condition. Their security condition is worse than the case of strategic

nuclear weapons. As a result, there is a danger that those tactical nuclear weapons will be stolen, robbed or lost.

Under these circumstances, the U.S. and Russia should take positive measures to control, regulate or reduce tactical nuclear weapons as soon as possible.

Missile Defense

One of the most outstanding issues in Bush's policy from the beginning is concerned with missile defense. In his first principal statement on May 1, 2001, President Bush emphasized that the U.S. should move beyond the ABM Treaty. Since the previous Administration, missile defense had been argued by distinguishing national missile defense (NMD) and theater missile defense (TMD), but President Bush erased this distinction and merged both into missile defense, and determined to pursue both programs as one and whole. The main reasons of this change are, first, to alleviate European concern that the NMD will protect the U.S. only, and second, to use each technology in other program.

The Clinton Administration, by clearly distinguishing NMD and TMD, conducted tests within the area that does not conflict with the ABM Treaty, and proposed partial amendment of the ABM Treaty to Russia. On the other hand, Bush's plan on missile defense includes development, testing and deployment of not only land-based system that is permitted under the ABM, but also sea-based, air-based and space-based systems. It also includes systems that counter coming missiles in boost stage as well as mid-course and terminal stages. His plan is too ambitious to cope with by partial amendments of the ABM Treaty.

In the consultation with Russia, the U.S. initially argued for joint withdrawal from the ABM Treaty with Russia in order to move beyond the Treaty. Contrarily, Russia regards the Treaty as a cornerstone of strategic stability, and has no will to withdraw jointly. It was expected at U.S.-Russia summit meeting in November 2001 that they would agree a kind of package on strategic nuclear reduction and amendment of the ABM Treaty. However, no agreement emerged, and the U.S. announced a unilateral reduction of strategic nuclear warheads.

One month later, on December 13, the U.S. notified to Russia its decision to withdraw from the Treaty in accordance with the provision of the Treaty. As six months prior notification is required, the withdrawal took effect on June 13, 2002.

On that day, President Bush stated; "Today that withdrawal formally takes effect. Our task is to develop and deploy effective defenses against limited missile attacks...I am committed to deploying a missile defense system as soon as possible

to protect the American people and our deployed forces against the growing missile threats we face.”¹⁶⁾ He is planning to develop, test and deploy all kinds of missile defense systems as soon as possible.

Lt. Gen. Ronald Kadish, Director of Missile Defense Agency, on June 25, 2002, gave a special briefing on missile defense. As an overview, he emphasized that NMD and TMD distinction no longer exists, and that the purpose is limited defense against long-range threat and robust defense against shorter range threats. Withdrawing from the ABM Treaty opens missile defense options for greater effectiveness, improves ability to test more realistically, and makes possible new models for allies and friends to participate in the missile defense program.¹⁷⁾

The U.S. also is asking for Russian cooperation on missile defense, and on May 24, 2002 at Moscow summit, the two countries signed a Joint Declaration on New U.S.-Russia Relationship. Under the declaration, the U.S. and Russia acknowledge that today’s security environment is fundamentally different than during the Cold War, and both countries have agreed to implement a number of steps aimed at strengthening confidence and increasing transparency. They include the exchange of information on missile defense programs and tests in this area, reciprocal visits to observe missile defense tests, and observation aimed at familiarization with missile defense systems. They have also agreed to study possible areas for missile defense cooperation.¹⁸⁾

Missile defense policy of the Bush Administration is quite aggressive, planning to deploy missile defense system as soon as possible. For the time being, the possibility of confrontation with Russia on missile defense seems low. Whether the U.S. missile defense will develop rapidly depends on many elements including U.S. domestic political situation, technical feasibility, budget availability, and reaction from China.

Nuclear Test Ban

President Clinton was very eager to prohibit any nuclear testing, and he was an promoter of and the first signatory to the Comprehensive Nuclear-Test-Ban Treaty

16) “Text: Bush Pledges Greater Dialogue, Cooperation on Missile Defense,” *Washington File*, 13 June, 2002.

17) “Lt. Gen Kadish Special Briefing on Missile Defense,” U.S. Department of Defense, News Transcript, June 25, 2002.
[http://www.defenselink.mil/news/Jun2002/y06252002_t0625kadish.html]

18) “Text: Joint Declaration on New U.S.-Russia Relationship,” *Washington File*, 24 May 2002.

(CTBT). However, the U.S. Senate, where Republicans held majority, adopted the resolution which rejected the ratification of the CTBT in 1999.

In a sharp contrast, President Bush from the beginning has made his opposition to the Treaty crystal clear. As the reasons of his opposition, he referred to following two elements; firstly, as the verification provisions of the Treaty is not strong enough, there is a danger that we can not detect nuclear tests conducted in violation of the Treaty, and secondly, as it is indispensable to secure safety and reliability of existing nuclear weapons, we may need to conduct test for that purpose. President Bush declared that he would not ask the Senate for its ratification.

In addition, President Bush has used any occasion to weaken the effect of the Treaty. For example, the clause on early entry into force of the CTBT was omitted in the final document of Genoa Summit in July 2001, in spite of the fact that all previous summit declarations included the clause. The U.S. did not attend the Conference to promote entry into force of the CTBT in October 2001. In addition, the U.S. voted against Japanese draft resolutions in the UN General Assembly on "A Path to the Total Elimination of Nuclear Weapons" in 2001 and 2002, just because the draft resolutions recommended early entry into force of the CTBT.

Currently, the Bush Administration agrees with moratorium of nuclear testing, although it is opposed to the CTBT. However, the Nuclear Posture Review asks the Department of Energy to accelerate the preparedness of nuclear testing, that is, make preparation period much shorter from current two to three years to several months. It also asks for new human resources for nuclear testing as many testing personnel have retired. In this way, although the Administration does not explicitly show its intention to test, the preparation of nuclear testing has been gradually pushed forward behind the scene, and once it is decided to test, they could test smoothly and promptly.

According to the Administration's formal statement, the possible purpose of nuclear testing would be to secure safety and reliability of existing nuclear weapons, and not to develop a new kind of nuclear weapons. However, Bush's nuclear policy is adamantly asking for nuclear weapons that can penetrate deep underground and destroy enemy's targets buried there. This could be done by improving current nuclear weapons or by developing a new kind of nuclear weapons. It can not be denied that then nuclear testing may become necessary.

Non-Proliferation of Nuclear Weapons

The central consideration of the Bush's security policy is how to respond to possible missile attacks with weapons of mass destruction, and as a result, policy emphasis is on the prevention of the proliferation of weapons of mass destruction and missiles. In this context, it makes effort for the non-proliferation of nuclear weapons, and contributes to the maintenance and strengthening of the international nuclear non-proliferation regime.

President Bush defines Iraq, North Korea and Iran as constituting "an axis of evil", and his effort for non-proliferation focuses on these three states. Iraq has not implemented its promise to destroy all weapons of mass destruction that was the condition of the end of the Gulf War under the UN Security Council resolution 687 of 1991. Based on this fact, the U.S. has been keeping an option to use armed forces alone against Iraq.

The negotiation between the U.S. and North Korea has not started yet, while the Bush Administration showed three conditions for the resumption of discussion in June 2001. In October 2002, it was reported that North Korea acknowledged its pursuance of uranium enrichment program for nuclear weapons. The elimination of the program is now a new precondition for the U.S. to resume discussion. The U.S. now does not have a plan to use forces against North Korea, and its most important goal is to make North Korea destroy all nuclear development programs.

On the other hand, from the viewpoint of the universality of the NPT, the U.S. policy is seriously faulty, because it tacitly recognizes the nuclear status of Israel. In addition, the U.S. lifted its economic sanctions against India and Pakistan instituted based on their nuclear testing in May 1998, because the U.S. needed their cooperation, in particular Pakistan's cooperation, in connection with the military operations in Afghanistan after the terrorist attacks on September 11, 2001. In this case, the policy priority was given to the war against terrorism rather than nuclear non-proliferation.

The U.S. nuclear non-proliferation policy, while, generally speaking, supporting the principle to oppose the proliferation of weapons mass destruction and missiles, is rather flexible to respond to particular situations in accordance with its national interest. Nuclear non-proliferation is not necessarily given the highest priority.

The Review Conference of the NPT that is the central pillar of the international nuclear non-proliferation regime, in 2000, adopted a final document. The U.S. is now pursuing the policies that clearly contradict with some measures for nuclear disarmament which are included in the final document. The U.S. does not support the CTBT and is opposed to its early entry into force, the U.S. way of the nuclear reduction contradicts with the principle of irreversibility of nuclear disarmament,

and the U.S. nuclear policy does not necessarily accord with the requirement to reduce the role of nuclear weapons in its security policy. This gives rise to the objection from the 183 non-nuclear-weapon states that the U.S. policy would unilaterally destroy the balance of obligations under the NPT.

No-Use of Nuclear Weapons

Traditional nuclear doctrine of the U.S. and the NATO has defined its use only as a last resort, although it has not excluded the possibility of first-use of nuclear weapons. The Soviet Union or Russia has been a possible target, and the doctrine of mutual assured destruction (MAD) has been accepted. Responding to possible attacks by rogue states by chemical or biological weapons, the U.S. policy has been ambiguous by not clearly excluding the use of nuclear weapons.

In the context of the NPT, the U.S. has given as political declarations the negative security assurances (NSA) that the U.S. would not use nuclear weapons to the parties to the NPT or treaties establishing nuclear-weapon-free zones. The U.S. position on the NSA has not been crystal clear, as high officials sometimes made statements contrary to the declarations.

Generally speaking, the firebreak between nuclear weapons and non-nuclear weapons has been maintained for last several decades, and very critical decision has been thought to be necessary to cross the border to nuclear weapons. However, under the Bush Administration's policy, a new triad is proposed in place of an old triad (ICBMs, SLBMs and bombers). The new triad consists of non-nuclear and nuclear strike capabilities, defenses and responsive infrastructure. In other word, non-nuclear weapons and nuclear weapons are treated as being on the same level, eliminating the firebreak between the two.

Under the Bush's policy, the use of nuclear weapons is considered not against Russia but against the rogue states, and it is not strategic but tactical nuclear weapons that is possibly used. The main and precise purpose to use tactical nuclear weapons against the rogue states is to defeat hard and deeply buried target that could not be destroyed by conventional weapons.

According to the National Security Strategy, the U.S. would take preemptive or anticipatory action to counter a sufficient threat, even if uncertainty remains as to the time and place of the enemy's attack. It may include preemptive nuclear attack, which will be very dangerous doctrine for international peace and security.

Negative security assurances have been given for last twenty years, though its real position is ambiguous. Under the Nuclear Posture Review, Iran, North Korea,

Iraq, Syria and Libya are included in the contingencies where the U.S. may consider that the use of nuclear weapons may become necessary. All these states are parties to the NPT, and although the first two states are thought not to be implementing their obligation, but the latter three states are good standing as to the NPT obligations. This new policy is quite different from the previous policy.

In conclusion, the Bush's policy on the use of nuclear weapons has a tendency to shift its focus from strategic to tactical nuclear weapons and increase the possibility of their use.

Characteristics of Bush Administration's Nuclear Policy

Foreign policy in general of the Bush Administration has been analyzed as an unilateralist approach, based of the following facts; breakaway from the Kyoto Protocol, opposition to the International Criminal Court, withdrawal from the ABM Treaty, opposition to the CTBT, opposition to the Protocol to the Biological Weapons Convention, and opposition to the Program of Action on Small Arms. The analysis seems to be valid even in nuclear policy field.

However, after September 11, 2001, even the U.S. can not act unilaterally to counter terrorism, and needs international cooperation. As a result, the analysis through unilateralism can not explain enough this new trend. The basic stance of U.S. foreign policy is to act in accordance with its national interest. In order to promote its national interest, the U.S. acts unilaterally when it can do it by acting unilaterally, and the U.S. acts in cooperation with other states when it is necessary to do so to advance its national interest.

When we say the U.S. is acting in order to benefit national interest, the national interest means one that is near-sighted and strictly defined. That is, it does not include international public interest at all. International norms or rules of international law are easily abandoned when they are not useful for U.S. national interest. The United Nations and other international institutions are used by the U.S. when they are coincident with its national interest, but they are ignored when they are not beneficial to U.S. national interest. This is the most salient characteristic of the Bush Administration.

The other outstanding characteristic of the Bush Administration is the tendency to resolve disputes not by dialogue or consultation within the international society, but by using or threatening to use military forces. It is based on the fact that Russia's military power is rapidly decreasing, China's military force is still not strong enough, and the U.S. now has extraordinary military strength by spending

40% of world military expenditure. In the National Security Strategy, it is emphasized that "Our forces will be strong enough to dissuade potential adversaries from pursuing a military buildup in hopes of surpassing, or equaling the power of the United States." The U.S. is planning to be the strongest in foreseeable future.

These two characteristics are reflected even in its nuclear policy. In its policy on nuclear weapons, the U.S. is pursuing it in order to advance its national interest that is near-sighted and strictly defined, and the U.S. is implementing its policy by depending mainly on military power rather than international norms or rules of international law or international institutions.

