
The Impact of the Nuclear Posture Review on the International Nuclear Nonproliferation Regime

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The Bush administration has provoked controversy by instituting a number of changes in U.S. nuclear policy. The administration's view of U.S. nuclear strategy was revealed in the congressionally mandated Nuclear Posture Review (NPR)—a strategic planning document that integrates nuclear weapons into broader aspects of U.S. defense planning—that was submitted to Congress on December 31, 2001, and publicly released at a U.S. Department of Defense (DOD) press conference on January 9, 2002. The key elements of the NPR were made public at the DOD press conference, but the main body of the report remained classified.¹ The *Los Angeles Times* and the *New York Times* reported in March 2002 that they had obtained the full report and published substantial excerpts from it.² Many additional excerpts have since appeared on the web sites of nongovernmental organizations that study security policy.³

According to Bush administration officials, the NPR reduces the role of nuclear weapons in U.S. national security policy, as it makes strategic nuclear weapons only one of three legs of a new strategic triad. Critics of the NPR, however, view the document as increasing the

importance of nuclear weapons. In an important step away from previous policy, the NPR acknowledges the improved relationship between the United States and the Russian Federation. But it still emphasizes that Russia remains the only state with a nuclear weapons capability that could destroy the United States. The most controversial aspects of the review, in the eyes of its critics, however, are that it specifically identifies six states (beyond Russia) as potential targets for U.S. nuclear weapons,⁴ emphasizes the objective of maintaining and enhancing U.S. military flexibility, emphasizes U.S. concerns about hardened and deeply buried bunkers that could contain weapons of mass destruction (WMD), and supports maintaining a large reserve stockpile of nuclear weapons.

Critics also charge that the NPR represents a radical departure from past U.S. nuclear policies by downplaying and, in some instances, repudiating key nuclear nonproliferation commitments made in 1995 and 2000 as part of the review process for the Treaty on Non-Proliferation of Nuclear Weapons (NPT). The NPR, for example, emphasizes that the reduction of nuclear weapons would be pursued without necessarily relying on the "requirement for

Cold War treaties.”⁵ The stated objective of this policy is to “give the United States maximum flexibility.”⁶ The NPR also calls for significantly shortening the time required to prepare for renewed nuclear testing, which many view as contradicting U.S. obligations as a signatory of the Comprehensive Test Ban Treaty (CTBT).

The NPR was followed in September 2002 by the release of the related “National Security Strategy of the United States.”⁷ This 33-page document declares that the United States would “not hesitate” to act alone and “pre-emptively” against other states that it perceives as hostile and that are harboring terrorist groups armed with, or seeking, WMD. Taken together, the NPR and the national security strategy have raised concerns among many members of the international community that the United States is slowing progress toward nuclear disarmament and arms reductions, increasing the acceptability of nuclear weapons use, and supplementing deterrence with active defenses (rather than developing defenses with the aim of replacing nuclear deterrence).

The NPR is also indicative of how the United States sees itself in a unipolar post-Cold War era in which it has no strong opponents. The Bush administration’s pre-emptive strike doctrine states clearly that the United States enjoys “unparalleled military strength” and that it will never again allow its military supremacy to be challenged as it was during the Cold War. The National Security Strategy states 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.”⁸ The combination of these documents, in particular the NPR directives on the development of smaller and more usable nuclear weapons, could signal that the Bush administration is “willing to overlook its long-standing taboo against the use of nuclear weapons except as a last resort...such moves could dangerously destabilize the world by encouraging other countries to believe that they, too, should develop nuclear weapons.”⁹

This report provides an analysis of the international reaction to the NPR in the context of the nuclear non-proliferation regime. It assesses the negative impact of the NPR on the CTBT, including the possibility of resumed nuclear weapons testing by the United States. It then discusses the impact of the NPR on the security assurances provided by the United States not to use or threaten to use nuclear weapons against non-nuclear weapon states. It also provides an analysis of the impact of the NPR on the strengthened NPT review process, in particular the disarmament commitments agreed to by the United States

and other nuclear weapon states at the 2000 NPT Review Conference.

AN OUTLINE OF THE NUCLEAR POSTURE REVIEW

The NPR represents an analysis by the DOD to determine U.S. nuclear force planning over the next 5 to 10 years. Preparation of the NPR also involved the U.S. Department of Energy’s (DOE’s) National Nuclear Security Administration (NNSA), the civilian government agency charged with development and oversight of U.S. nuclear weapons. Congress requested the reassessment of the U.S. nuclear posture in September 2000. The last such review was conducted by the Clinton administration in 1994. The review, signed by Secretary of Defense Donald Rumsfeld, is now being used by the U.S. Strategic Command to prepare a nuclear war plan.¹⁰ Congress has since included a clear reference to the NPR in the *National Defense Authorization Act for Fiscal Year 2003*. In accordance with section 1031 of this legislation, “Strategic Force Structure Plan for Nuclear Weapons and Delivery Systems,” the DOD and DOE are to include in this plan, *inter alia*, “a baseline strategic force structure for such weapons and systems over such period consistent with [the] Nuclear posture Review.”¹¹

U.S. strategic nuclear weapons have traditionally been organized in a triad of land (intercontinental ballistic missiles), sea (submarine-launched ballistic missiles), and air (bombers) forces. The new NPR outlines a new triad in which the old triad occupies only one part of offensive strike systems. It now also includes improved conventional strike weapons. The new second part of the triad includes active and passive defenses in which missile defenses are a fundamental component. The third segment emphasizes the need for developing a defense infrastructure that can respond rapidly to changes in the security environment.¹² Bush administration officials argue that in comparison to previous U.S. policy, the new triad de-emphasizes the role of nuclear weapons.

Although the NPR recognizes that the demise of the Soviet Union shifted U.S. nuclear weapons planning away from mainly targeting the Russian Federation, it maintains the principle that Russia remains the only nation that can conceivably destroy the United States because of the size of its nuclear arsenal. Thus Russia continues to be considered a potential target for U.S. nuclear weapons. However, the new review, reflecting the less public views of previous administrations, for the first time explicitly

lists six other countries of concern as targets: The Democratic People's Republic of Korea (DPRK), Iran, Iraq, Syria, Libya, and China. It describes the potential threat presented by the WMD programs of these countries as resulting from "immediate, potential or unexpected contingencies."¹³ Aside from deliberately developing targeting plans against these countries, the NPR calls for greater emphasis on adaptive planning. Such planning will allow the United States to produce nuclear war plans quickly in response to contingencies that could arise throughout the world. This development complements the U.S. military's decision to move from a "threat-based" to a "capabilities-based" defense system, which would purportedly give the United States more flexibility in crisis situations.

The new NPR outlines U.S. plans to reduce operationally deployed strategic nuclear weapons to a level of 3,800 warheads by 2007 and 1,700-2,200 by 2012. It is, however, designed to justify the continuing modernization of nuclear weapons and research aimed at making nuclear weapons more usable. U.S. defense planners have long been concerned with developing weapons that can destroy deeply buried targets, such as underground WMD facilities. The B-61-11 bunker-busting bomb was developed for such missions during the 1990s by modifying an existing nuclear warhead without nuclear testing.

However, the NPR suggests that the B-61-11 may not be viewed as adequate. The document includes a lengthy argument in support of new weapons systems, especially those designed to destroy hardened and deeply buried bunkers that could house WMD. It calls for "a joint DOD/DOE phase 6.2/6.2A Study to be started in April 2002...[to] identify whether an existing warhead in a 5,000 pound class penetrator would provide significantly enhanced earth penetration capabilities compared to the B61 Mod 11."¹⁴

The new NPR also endorses the modernization of the research and production facilities needed to design and build new nuclear warheads and other strategic weapons. The 2003 budget request for the U.S. Department of Energy National Nuclear Security Administration cited the NPR as requiring a "new Triad of flexible response capabilities consisting of non-nuclear and nuclear strike capabilities, active and passive defense missile systems, research and development as well as the industrial infrastructure needed to develop, build and maintain nuclear offensive forces and defensive systems."¹⁵

The NPR also advocates the modernization of U.S. nuclear weapons research facilities and production plants for making the plutonium pits that form the core of nuclear

weapons. Los Alamos National Laboratory is already developing "an automated, expandable, robust manufacturing capability to produce, without underground testing, stockpiled and new design pits within 19 months of the establishment of the need for a new pit and with a stockpile life greater than the weapons systems."¹⁶

The *New York Times* recently reported that the DOD is considering building a new installation for making plutonium pits. According to the report, the U.S. Department of Energy is studying whether to pursue the construction of the new plant, which would cost an estimated \$2.2 to \$4.1 billion.¹⁷

Suspicious that the development of new nuclear warheads and other types of nuclear weapons may be under consideration, as suggested in the NPR, were further reinforced by language in the *Defense Authorization Act for Fiscal Year 2003* adopted by Congress in mid-November 2002. Under this legislation, Congress authorized a study by the National Academy of Sciences on, *inter alia*, the anticipated short-term and long-term effects of the use by the United States of a nuclear earth-penetrator weapon on a target area. The law calls for the academy to submit a report to Congress on this topic no later than mid-May 2003. It also authorizes the National Nuclear Security Administration (NNSA) to conduct a study on how nuclear weapons could be modified so that they can be used to destroy underground laboratories. The NNSA is required to issue a report to Congress explaining how modified nuclear weapons would be used and whether conventional weapons would be just as effective.¹⁸

In several respects, the NPR represents a fundamental change in thinking over the use of nuclear weapons. Nuclear weapons have traditionally been considered as weapons of deterrence with very little, if any, practical use at times of conflict. Although the NPR builds upon policies of previous U.S. administrations in seeking a balance between the tactical and strategic use of nuclear weapons, it represents a major setback to disarmament and arms control goals given its emphasis on the preemptive use of nuclear weapons. While earlier administrations, in particular during the 1950s when the United States last had nuclear preponderance, considered preemptive attacks against the Soviet Union,¹⁹ the new NPR advocates the preemptive use of nuclear weapons, not only against the Russian Federation, but also against several other countries.

In the NPR, a clear distinction between nuclear and conventional weapons no longer exists. The document emphasizes the "new mix of nuclear, non-nuclear and

defensive capabilities”²⁰ that would be necessary to meet U.S. national security requirements. Nuclear warheads with additional yield flexibility and improved earth penetrating capacity are needed to counter the increased use of hardened and deeply buried bunkers while reducing collateral damage. Following the reasoning laid out in the NPR, these new warheads could now become the weapon of choice for U.S. forces in future conflicts. The difficulties experienced in destroying deep tunnels and bunkers during the antiterrorist campaign in Afghanistan, and the similar challenge of destroying deeply buried bunkers in Iraq in the event of a U.S. invasion there, signal that U.S. interest in such nuclear bunker busters will continue. Their development, much less their use, would not only give a new dimension to conventional warfare, but could have a detrimental effect on vertical and horizontal nuclear nonproliferation. U.S. conventional superiority, its retention of a large nuclear arsenal, and the development of a new generation of U.S. nuclear weapons, could in turn lead the other nuclear weapon states to hold onto their existing weapons stockpiles and/or develop more nuclear weapons for new missions. Research and development of new bunker-buster weapons could also lead the United States to undertake new nuclear testing.

The NPR specifically reiterates the Bush administration’s rejection of the CTBT and underlines its withdrawal from the Anti-Ballistic Missile (ABM) Treaty. While the Clinton administration worked to preserve the ABM Treaty (although seeking to amend it to allow limited missile defenses) the Bush administration renounced this treaty expressly to remove all limits on missile defense development. Accordingly, the new NPR calls for expanding U.S. missile defense plans to include multiple-layered systems designed to intercept all types of ballistic missiles. The Clinton administration had also advocated the ratification and entry into force of the CTBT. Though the present administration adheres to the current nuclear testing moratorium, it will not seek ratification by the U.S. Senate of the CTBT, which the Senate rejected in 1999. In this regard, the NPR also endorses a higher level of readiness for nuclear testing and proposes to reduce the time required to prepare for renewed testing from a two- to three-year period to much less than one year. This upgraded readiness appears intended for purposes beyond assuring the reliability of the existing stockpile.

Overall, the NPR undermines the NPT, given that it signals the United States’ continued lack of commitment to its obligations under Article VI of the

treaty to “undertake negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament.”²¹ Notably, the NPR makes no reference to the NPT or the United States’ obligations under its terms. The NPR also casts additional doubt on the obligations and commitments made by the United States and other nuclear weapon states not to use or threaten to use nuclear weapons against non-nuclear weapon states. Such commitments have been made both in accordance with NPT obligations and under the terms of negative security assurances given to non-nuclear weapon states that are members of nuclear weapon-free zones.²²

INTERNATIONAL REACTION TO THE NUCLEAR POSTURE REVIEW

Leaked portions of the NPR sparked widespread concern among the international community that the United States could develop new nuclear weapons and lower the threshold of nuclear use. The Bush administration sought to counter these concerns, claiming the NPR largely represents a continuation of past nuclear policy and arguing that the new strategic triad actually downgrades the role of nuclear weapons in U.S. national security policy. Although the international community’s negative reaction to the NPR has been measured because of the lack of information on the status of its implementation, many countries have expressed strong criticism of the NPR. These criticisms have focused on concerns that the NPR will set back global efforts at disarmament and nonproliferation, while also increasing the chances that nuclear weapons might be used.

Russia and China

Such criticisms were voiced not just by non-nuclear states, which have traditionally been critical of the policy of the nuclear weapon states, but also by other nuclear weapon states, especially Russia and China. Shortly after the NPR was leaked, Russian President Vladimir Putin complained that “we hear statements and proposals for developing low-yield nuclear charges and their possible use in regional conflicts. This, to a very low bar, to a dangerous line, lowers the threshold of possible nuclear weapons use. The very approach to this problem may change, and then it will be possible to speak of a change of strategy. In this case nuclear weapons from weapons of nuclear deterrence go down to the level of weapons of operational use, and, in my opinion, this is very dangerous.”²³

Despite this criticism, however, Russia's overall response remained relatively weak. Bilateral talks and prior publications by leading Bush administration figures had largely prepared Moscow for the release of the NPR.²⁴ Russia's reaction was therefore mostly political, focusing mainly on U.S. actions associated with the NPR, such as its withdrawal from the ABM Treaty.

There are, in fact, indications that some in Russia welcome the new flexibility offered by the Treaty of Moscow, signed on May 24, 2002. They view this treaty and the NPR, the provisions of which shaped the treaty, as an opportunity for Russia to avoid excessively stringent conditions of existing or potential treaties of a more traditional form.²⁵ In many respects, the release of the NPR and associated U.S. policy initiatives play into the hands of the Russian military-industrial complex. U.S. withdrawal from the ABM Treaty enabled Russia to discard the START II treaty with the consequence that the Russian military could restore its own freedom of action in fashioning its own nuclear forces that could also include new low-yield nuclear weapons. Some groups in the Russian military and Ministry of Atomic Energy have for several years advocated the development of such weapons, and U.S. moves to develop new nuclear weapons as suggested in the NPR will provide them with ammunition in internal Russian policy debates.²⁶

In its response to the NPR, the Chinese government accused the United States of "nuclear blackmail" and vowed not to bow to foreign nuclear threats.²⁷ The Chinese Foreign Ministry demanded that the United States provide an explanation of its targeting policy. The Chinese vocally objected to the parts of the document that advocated the development of new types of nuclear weapons and outlined contingency plans for using nuclear weapons against China and six other nations. Another Chinese complaint is that the NPR lists a military confrontation over the status of Taiwan as one of the scenarios that could lead the United States to use nuclear weapons against China. While the immediate controversy will eventually dissipate, the ripple effects on Chinese arms control and nuclear modernization policies and on bilateral strategic consultations may reverberate well into the future. Notwithstanding the U.S./Chinese bilateral de-targeting arrangement, China has long assumed that U.S. targeting plans include China. China may in fact be following suit by targeting the United States. However, the premise upon which U.S. nuclear weapons might be used against China has changed. In the past, nuclear weapons were always the weapons of last

resort, of deterrence against the use of nuclear weapons. But the NPR, with its discussion of pre-emption, revealed a totally different rationale.²⁸

U.S. Allies

European governments critical of the NPR have expressed concern that the call for developing a new generation of low-yield, earth-penetrating "tactical" devices blurs the boundary between conventional and nuclear weapons. They also believe that targeting underground and hardened installations in proliferant states with nuclear weapons has the effect of making nuclear war more likely.²⁹ They are also concerned that judging from the NPR, the Bush administration does not foresee any actual, "irreversible" reductions in the U.S. strategic nuclear arsenal, since warheads designated for removal from operational deployment are to be retained as part of a "responsive force," which will reportedly enhance U.S. flexibility by allowing a rapid reconstitution of U.S. nuclear forces. Many European governments also believe that the possibility of U.S. resumption of nuclear testing would further dampen any hopes for the resuscitation of the CTBT—one of the pillars of the international multilateral non-proliferation regime. In the view of these European critics, the collapse of the CTBT would seriously undermine both U.S. and allied security.³⁰ German Deputy Foreign Minister Ludger Volmer reacted to the NPR by saying that "such a strategy could endanger the disarmament and non-proliferation of nuclear weapons." He called U.S. plans to retaliate with nuclear arms against non-nuclear states that use chemical or biological weapons "extremely questionable."

For many European observers, U.S. withdrawal from the ABM Treaty in June 2002 is seen as a repudiation of arms control in general and an open invitation to other states (particularly Russia and China) to respond by building more offensive nuclear weapons.³¹ In addition, the planned upgrading of U.S. military capabilities, especially in the nuclear area, could widen the gap between the military-technological capabilities of the United States and its European allies. The European nuclear weapon states, France and Britain, may wish to develop plans to emulate U.S. deployments, but will be unable to do so owing to budgetary and technological constraints. The NPR and the U.S. National Security Strategy thus puts NATO countries in the position of either living with a shift in the balance of power further toward the United States or committing themselves to new expenditures in order to keep their arsenals relevant for any newly emerging

contingencies. Some European leaders fear that the U.S. nuclear doctrine, seen in conjunction with the current administration's preference for unilateral action in conflict situations, could make European members of NATO "irrelevant" as military allies, given their limited capabilities. European countries are also concerned that the NPR was adopted by the United States without any consultations with its allies, simply leaving them behind.³²

Many European states feel that several provisions of the NPR demonstrate that the United States is breaching its NPT obligations and commitments made at the 2000 NPT Review Conference by targeting non-nuclear states, such as Syria and Libya. In this view, targeting non-nuclear states with nuclear arms undermines U.S. negative security assurances, threatening the foundation of multilateral arms control. The reasoning behind this criticism is that in the grand bargain embodied in the NPT, non-nuclear weapon states forswear nuclear arms in return for assurances that they will not be attacked with nuclear arms. If the United States reneges on the second part of this bargain, critics argue, some countries may sooner or later decide to renege on the first. NATO countries also believe that the logic of the NPR may whip up regional arms races and stimulate proliferation of critical technologies and weaponry among developing countries. However, some less critical European observers have contended that there is basically nothing new in the NPR, characterizing it as just the continuation of prior U.S. nuclear thinking.³³

In Japan, another U.S. ally, politicians responded similarly to the NPR, questioning the U.S. commitment to the NPT and even raising the specter of possible Japanese withdrawal from the NPT if other countries resumed nuclear testing or used nuclear weapons. Of more concern, however, are the renewed calls in Japan for acquisition of nuclear status indirectly prompted by the NPR.³⁴

Other States

The New Agenda Coalition countries (an influential group of states active in the international nuclear non-proliferation and disarmament debates, consisting of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden) expressed concern after the release of the NPR, saying:

The role of nuclear weapons in security and defense continues to be accorded paramount importance by some states. There are indications of the development of new generations of nuclear weapons. The New Agenda countries believe that such developments would be inconsistent with the unequivocal undertak-

ing by the nuclear-weapon states to eliminate their nuclear arsenals.³⁵

In a similar vein, the New Zealand Minister of Disarmament and Arms Control, Matt Robson, urged "the government of the United States to reject any pressure to walk away from their commitment to nuclear disarmament" and not to "throw the disarmament agenda internationally into disarray."³⁶

The Group of 21, representing the developing countries in the Conference on Disarmament (CD)—the primary multilateral negotiating body on disarmament and nonproliferation—stated earlier this year that the "[CD] commences its work against the backdrop of serious and multifarious challenges facing the international community in the field of disarmament, non-proliferation in all its aspects and international security, particularly the attempts to justify the perspective of indefinite possession of nuclear arsenals, related concepts of nuclear deterrents, including a revised strategic framework, and elements aimed to open more scope for possible use or threat of use of force."³⁷ Iran described the NPR as "an alarming trend of contempt for multilateralism and (it) threatens to undermine our common achievements, particularly in the area of non-proliferation."³⁸

In response to the NPR, the Pakistani Foreign Minister warned that the "development of so-called 'usable' nuclear weapons could trigger a new nuclear arms race."³⁹ One Pakistani analyst criticized the United States for its "aggressive militarism, including a Dr. Strangelove kind of dementia," while a former Egyptian ambassador commented in the pro-government *Al-Ahram* that "it is rather astonishing that among those targeted countries there are three Arab countries and one Islamic country and all are peaceful."⁴⁰

Developments at the October 2002 First Main Committee (Disarmament and International Security) of the 57th Session of the UN General Assembly session serve as the most recent measurement of the international response to the NPR. Although several states referred to the NPR in their general statements in the committee, few delegations openly criticized the United States. This muted reaction results from uncertainty among U.S. allies about whether the NPR will in fact be implemented and whether it is just a "posture statement" and not a "policy" document. This uncertainty was evident in the support for the resolution, "Towards a Nuclear Weapons Free World: the Need for a New Agenda," put forward by the New Agenda Coalition.⁴¹ The last New Agenda resolution on this topic, adopted at the 2000 session of the

UN General Assembly following the 2000 NPT Review Conference, was supported by the vast majority of states, including the United States, the United Kingdom, and China.⁴² The new resolution, again adopted with strong support from many countries, including Canada, Austria, and China, reaffirmed the undertakings given at the 2000 Review Conference, including the 13 practical steps and is also the first UN resolution of this nature to be considered after the release of the NPR. The resolution contains several paragraphs that express concern over the lack of progress towards implementing the 13 practical steps. It also refers to the NPR, albeit in an indirect manner, by “expressing its deep concern that emerging approaches to the broader role of nuclear weapons as part of security strategies, could lead to the development of new types, and rationalizations for the use, of nuclear weapons.” It presented an opportunity for allies of the United States to address their concerns over the NPR and to call for a reaffirmation of the commitments made at the 2000 NPT Review Conference. As with previous New Agenda resolutions, the resolution once again set the stage for the strengthened review process leading to the 2005 NPT Review Conference. The United States, the United Kingdom, and France, however, voted against the resolution. Several key U.S. allies, such as Germany, Japan, and the Netherlands, abstained from supporting it.

Given the Bush administration’s hard-line approach on issues related to international peace and security, the U.S. vote against this resolution was not unexpected. What is disappointing, however, is the lack of support for the resolution by some U.S. allies that have expressed concern over the NPR. Although there are a multitude of reasons for states such as Germany, Norway, and the Netherlands, not to support the resolution, it is clear that these states are not willing to confront the United States on its policies of continued reliance on nuclear weapons, even when such weapons are to be “conventionalized,” as called for in the new NPR.

THE NPR AND THE NUCLEAR NONPROLIFERATION REGIME

The impact of the NPR on the nuclear nonproliferation regime should be measured in terms of its implications for the following aspects of the regime: (1) the longstanding U.S. commitments, both legal and political, not to use or threaten to use nuclear weapons against non-nuclear weapon states; (2) the U.S. commitment not to resume nuclear testing; and (3) the overall impact of the NPR on the strengthened review process of the NPT and the

future of the CTBT. The negative international response to the NPR should thus be seen in the context of international community’s resolve to maintain the current moratorium on nuclear testing and implement the CTBT fully. Given the emphasis in the NPR on the possible use of nuclear weapons against “countries that could be involved in immediate, potential or unexpected contingencies,” the implications for U.S. negative security assurances against the use or threat of use against non-nuclear weapon states should also be considered. Of even more concern is the potential longer-term impact of the NPR on the NPT and its strengthened review process. Many aspects of the NPR contradict the “unequivocal undertaking” given by the nuclear weapon states to seek nuclear disarmament, as well as the 13 practical steps toward this goal endorsed by the 2000 NPT Review Conference. These contradictions will likely undermine the long-term viability of the nuclear nonproliferation regime.

Impact on the NPT

At the 2000 NPT Review Conference, the non-nuclear weapon states, under the leadership of the New Agenda Coalition, extracted from the nuclear weapon states an “unequivocal undertaking” to eliminate their nuclear arsenals as part of “13 practical steps” for the systematic and progressive implementation of Article VI of the treaty. The five nuclear weapon states have a legal obligation in accordance with Article VI “to negotiate in good faith the cessation of the nuclear arms race and nuclear disarmament.” The outcome of the 2000 NPT Review Conference was thus heralded as a major achievement in strengthening the NPT in all its aspects. Not only was it significant that the NPT State Parties adopted a Final Conference Document for the first time since the 1985 Review Conference, but it was also the first review conference to be held after the NPT was extended indefinitely in 1995. The 1990 and 1995 NPT Review Conferences were unable to adopt final documents mainly due to differences between the non-nuclear weapon states and the nuclear weapon states over the implementation of Article VI. Given the international reaction to the NPR, this sort of deadlock could very well reemerge at the 2005 NPT Review Conference.

The 13 practical steps for systematic and progressive implementation of Article VI are viewed by many as the key achievement of the 2000 NPT Review Conference. In addition to the “unequivocal undertaking” by the nuclear weapon states to eliminate their arsenals, these steps include ratification of the CTBT; the principle of

irreversibility as applied to nuclear disarmament and related arms control and reduction measures; full implementation of START II and conclusion of START III as soon as possible while preserving and strengthening the ABM Treaty; increased transparency regarding nuclear weapons capabilities; concrete measures to reduce the operational status of nuclear weapons; and a diminishing role for nuclear weapons in security policies. Despite the early acclaim about the successful conclusion of the 2000 NPT Review Conference, very little, if any, progress has been made toward implementation of these steps in the past two years. Many States Parties, in fact, now argue that the nuclear weapon states, and in particular the United States (especially in view of the NPR), have backtracked on the undertakings made at the conference.

In an effort to address these concerns, U.S. Under Secretary of State for Arms Control and International Security John Bolton told *Arms Control Today* in March 2002 that “we take our obligations under the NPT very seriously.” But at the same time, Bolton implied that the United States might no longer support all of the 13 practical steps: “In terms of what was said at the 1995 and 2000 NPT review conferences, we’re reviewing all of that in the context of our preparation for the 2005 NPT Review Conference.”⁴³

Other top U.S. officials have also suggested that the United States is reassessing the commitments made at the 2000 NPT Review Conference. The former U.S. Ambassador to the CD, Eric Javits, speaking at the 2002 NPT Preparatory Committee (PrepCom), said that the Bush administration only “generally agrees” with the conclusions of the conference and that “we no longer support some of the Article VI conclusions in the Final Document from the 2000 NPT Review Conference.”⁴⁴ These statements clearly confirm that the United States no longer considers itself bound to all the commitments made at the 1995 and 2000 NPT conferences. If other states embraced such an interpretation of “taking obligations under the NPT very seriously” and like the United States, began to pick and choose whether or not to support some or all of their commitments made as part of the NPT review process, the NPR would be severely undermined.

The cavalier U.S. stance overlooks the recent history of the NPT review process. Many states, for example, while supporting the indefinite extension of the NPT in 1995, still have serious reservations about this decision. These states believed then, and had warned, that an in-

definite extension would give carte blanche to the nuclear weapon states to retain their arsenals indefinitely. At present, these states continue to be politically committed to the international nuclear nonproliferation regime and continue to support the indefinite extension of the NPT as well as the other important decisions of the 1995 and 2000 NPT Review Conferences. Many states, however, now argue that the new U.S. NPR seeks to undermine the treaty and the agreements reached at the both the 1995 and 2000 Conferences. In this view, not only does the NPR put into question the indefinite extension of the treaty and the nuclear weapon states’ commitment to implement Article VI in good faith, it also amounts to an “unequivocal rejection” of most of the 13 practical steps agreed to at the 2000 Conference.

The NPR, if implemented, would thus constitute a severe setback to the NPT strengthened review process and to international security in general. By undermining the NPT, the NPR would in the long run encourage vertical as well as horizontal proliferation of nuclear weapons—a clear and present danger to the nuclear nonproliferation regime that could lead to the eventual demise of the NPT itself. Describing the NPR, Jayantha Dhanapala, UN Undersecretary General for Disarmament Affairs and President of the 1995 NPT Review and Extension Conference said it “flies in the face of the Nuclear Nonproliferation Treaty undertakings. Under Article VI, one is expected to reduce nuclear weapons and ultimately eliminate them. So this is to me a very serious contradiction of that and will be a very major stumbling block as we begin the process of preparing for the 2005 NPT Review Conference.” He continued by saying that the NPR could “encourage other countries then to discard the obligations under the Comprehensive Nuclear Test Ban Treaty and under the Nuclear Nonproliferation Treaty. We are going to get an encouragement to nuclear proliferation, rather than reducing the number of countries that have nuclear weapons.”⁴⁵

The United States played an instrumental role in the negotiation process that led to the “unequivocal undertaking” (practical step six) given by the nuclear weapon states to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament. Under the NPR, contrary to NPT obligations, nuclear weapons would be retained indefinitely. Instead of maintaining its commitment to “further efforts...to reduce their nuclear arsenals unilaterally,” the NPR proposes the unilateral expansion (albeit qualitatively rather than quantitatively) of the U.S. nuclear weapons arsenal. Such activities would be con-

trary to the U.S. commitment to nuclear disarmament. They indicate that the United States intends to continue using nuclear weapons as an integral and indispensable part of its defense doctrine for the foreseeable future and beyond. It is also significant that the NPR makes no reference to the eventual elimination of nuclear weapons, nor does it refer to the NPT at all.

The CTBT was enshrined in the preamble of both the 1963 Partial Test Ban Treaty and the NPT when it was signed in 1968. Endorsement by all the NPT parties of a U.S. Senate requirement to conclude a CTBT by 1996 was viewed as an indispensable part of the bargain that brought about the indefinite extension of the NPT in 1995. A clear statement of support for the early entry into force of the CTBT was included as the first of 13 practical steps agreed to at the 2000 NPT Review Conference. Since the U.S. Senate's 1999 rejection of CTBT ratification, the United States has not taken part in any test ban discussions. Despite agreeing to the inclusion of the CTBT as one of the 13 practical steps in 2000, several statements by U.S. officials now indicate that the Bush administration is keeping the back door open for the resumption of nuclear testing in the future. For example, in another statement at the 2002 PrepCom, U.S. Ambassador Javits specifically cited the CTBT as "another example of a treaty we no longer support." As part of its undertakings given at the 2000 Review Conference, the United States reaffirmed its moratorium on nuclear test explosions (practical step number two). Nevertheless, the NPR notes that maintaining the test-ban moratorium "may not be possible for the indefinite future." The NPR also calls for an acceleration of the amount of time required to prepare a site for a nuclear weapons test and asserts that the U.S. Departments of Defense and Energy will annually reassess "the need to resume nuclear testing and will make recommendations to the President."⁴⁶

The NPR furthermore categorically discards the ABM Treaty as well as the START process despite U.S. undertakings at the 2000 NPT Review Conference to seek the "early entry into force of START II and the conclusion of START III as soon as possible while preserving and strengthening the Treaty on the Limitation of Anti-Ballistic Missile Systems" (practical step number seven), providing two more examples of how the NPR contradicts U.S. nuclear nonproliferation and disarmament obligations.

Although the reductions in the number of deployed strategic nuclear weapons as envisaged under May 2002

U.S.-Russian Treaty on Strategic Offensive Reductions (Moscow Treaty) constitute a welcome disarmament step, their significance is limited. Because the treaty does not require the destruction of any nuclear weapons, but only limits deployed delivery systems, to some extent it contradicts the "principle of irreversibility to nuclear disarmament, and other related arms control and reduction measures" (practical step number 5). In this same vein, the NPR calls for a "responsive infrastructure" meaning that the warheads removed under the Moscow Treaty would be moved into active or inactive reserves. The NPR and the Moscow Treaty are thus intended not to make nuclear warheads reductions irreversible, but to ensure that large nuclear arsenals and their delivery systems can be reconfigured into new, more powerful, and more versatile weapon systems.

The U.S. intention, as discussed in the NPR, to develop new types of nuclear weapon systems with a more conventional application, in particular the development of new earth-penetrating nuclear weapons for hardened targets, clearly undermines the commitment by the nuclear weapon states to "take steps leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all" (practical step nine). The development of such new weapons would also contradict the U.S. undertaking to apply "measures to reduce the operational status of nuclear weapons and a diminishing role for nuclear weapons in security policies" (practical step nine). The new emphasis on the development and possible use of these types of nuclear weapons also flies in the face of undertakings by the United States to further reduce non-strategic nuclear weapons (tactical weapons) as an integral part of nuclear arms reduction and the disarmament process.

While the NPR provides for the "conventional use" of nuclear weapons in the new triad, the wider agenda of the Bush administration indicates an increased role for nuclear weapons in U.S. military planning. In this regard, it is of particular concern that new nuclear weapons capabilities are being developed to target specific states that are party to the NPT. This targeting violates not only the spirit of the NPT, but also the undertaking at the 2000 NPT Review Conference that the nuclear weapon states will take steps to diminish the "role of nuclear weapons in security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total destruction." The measures envisaged in the NPR could lead other nuclear weapon

states, in particular China and the Russian Federation, to develop similar “usable” nuclear weapons despite their undertakings to further efforts “to reduce their nuclear arsenals unilaterally” and to engage “in the process leading to the total elimination of their nuclear weapons.”

The impact of the NPR on the NPT and the undertakings made at the 2000 Review Conference was well summarized by the Malaysian Ambassador to the United Nations in his statement to the 2002 NPT PrepCom:

The NPR challenged the very basis of the global efforts towards the reduction and elimination of nuclear weapons. Instead of meeting the unequivocal commitments agreed two years ago, the NPR is perceived as a rejection of most of the agreed 13 steps. Instead of propagating the principle of irreversibility, it advocates the retention and redeployment of many withdrawn warheads, as part of the so-called “responsive force” of nuclear weaponry.... This initiative will herald for the first time the actual use of nuclear weaponry in military operations since Hiroshima and Nagasaki, with all the political and security repercussions that might entail. At the same time, we also observe, with regret, that the existing modality to negotiate and implement nuclear disarmament is being sidelined by the nuclear weapon states.⁴⁷

Many other NPT State Parties, including some U.S. allies, expressed similar concerns at the 2002 PrepCom. Canada stated that “signals from some nuclear-weapon States regarding their nuclear arsenals causes uncertainty and concern.” The Mexican delegation in turn said that “there are preoccupying signs of the development of a new generation of nuclear weapons and emerging approaches for ongoing justification of a future role of nuclear weapons as part of new strategies of security. These signs deteriorate nuclear disarmament and non-proliferation.”

Egypt, speaking on behalf of the seven New Agenda Coalition countries, emphasized these countries’ concern “that the commitment to diminish the role of nuclear weapons in security policies and defence doctrines has yet to materialize” and expressed deep concern about “emerging approaches to the future role of nuclear weapons as a part of new security strategies.” The representative from Indonesia, speaking on behalf of the majority of NPT member states—members of the Non-Aligned Movement—stated: “Strategic defence doctrines continue to set out rationales for the use of nuclear weapons, as demonstrated by the recent policy review by one of the Nuclear Weapon States to consider expanding the circumstances under which nuclear weapons could be used and the countries that they could be used against. We are also

concerned by the recent developments that threaten the principle of irreversibility of nuclear disarmament, nuclear and other arms control and reduction measures.”⁴⁸

Impact on the CTBT

The change in official U.S. policy on the development of new “usable” nuclear weapons and the implicit rejection by the United States of its former policy regarding negative security assurances could have dire consequences for the CTBT, in particular if the NPR leads to a resumption of nuclear weapons testing by the United States. The CTBT prohibits the testing of nuclear weapons and thus effectively prevents the development of new types of nuclear weapons. Although the United States has not ratified the treaty (the Bush administration in fact announced that it will not seek ratification and would withdraw the treaty from consideration by the U.S. Senate if it could), it is morally and politically bound under international treaty law to refrain from acts that would defeat the objective and purpose of the CTBT.⁴⁹ Despite its rejection of the CTBT, the United States has maintained a voluntary moratorium on nuclear test explosions since 1992. The United States furthermore agreed at the 2000 NPT Review Conference to an ongoing moratorium on testing until the CTBT enters into force.

Not only does the NPR further emphasize the Bush administration’s rejection of the CTBT, but it also clearly indicates that the maintenance of the U.S. nuclear weapons stockpile “without additional nuclear testing... may not be possible for the indefinite future.” In this regard, the document emphatically states that “[each] year the DOD and DOE will reassess the need to resume nuclear testing and will make recommendations to the President. Nuclear nations have a responsibility to assure the safety and reliability of their own nuclear weapons.”⁵⁰ This statement has given rise to increasing speculation that the Bush administration is actively seeking to repudiate the U.S. signature of the CTBT, thereby releasing the United States from its international commitment as a treaty signatory not to take action contrary to the treaty’s basic obligation.

The *National Defense Authorization Act for Fiscal Year 2003* further spurs speculation that the Bush administration may in fact be considering the resumption of nuclear testing to, *inter alia*, test new kinds of nuclear weapons such as “bunker busters.” To this end the act provides for “plans for achieving [an] enhanced readiness posture for resumption by the United States of underground nuclear

weapons tests.” It specifically requires the DOD to prepare a report for submission by 2004 that should include plans for resumed nuclear testing in accordance with set time lines.⁵¹ Administration officials continue to insist that no decision to begin new tests has been taken, although they also refuse to rule out the possibility of tests at some time in the future.⁵²

Regardless of its legality, resumption of nuclear testing by the United States would have dangerous consequences for vertical as well as horizontal nuclear nonproliferation. It would undoubtedly lead to resumed testing by China (which would like to develop small warheads for its new missiles) and perhaps even by the Russian Federation. An even more dangerous consequence of resumed nuclear testing by the United States would be further testing of nuclear weapons by India and Pakistan, both of which tested nuclear weapons in 1998. In the aftermath of such resumed testing and the nuclear arms race that would inevitably follow, other states might also decide to develop and test nuclear weapons. Not only would this scenario have dire consequences for the CTBT, in particular its international system to monitor nuclear weapons tests, but it could severely undermine the NPT, if not lead to its eventual demise.

China signed the CTBT in 1996 but has not yet ratified it, largely because of the U.S. Senate’s rejection of the treaty in 1999. Some in the Chinese government support ratification because China has already stopped testing and could claim the moral high ground on this global arms control issue. Others, however, argue ratification would prevent China from resuming testing in response to a new round of U.S. nuclear tests. A growing number of Chinese analysts believe that the United States will probably start nuclear testing again to develop a new generation of small nuclear weapons. The new NPR may in fact trigger a basic reconsideration of Beijing’s commitment to the CTBT. If the United States resumes testing, China will almost certainly follow suit. At a minimum, concerns about U.S. intentions will prevent China from ratifying the CTBT in the near future. China’s concerns about the NPR may also complicate the recently initiated U.S.-China strategic consultation on missile defense issues. The NPR will further deepen China’s mistrust of the United States and make it harder to manage the numerous sensitive differences on missile defense issues.⁵³

The suggestion in the NPR that the United States might break the nuclear testing moratorium prompted contradictory reactions in Russia. State Duma Defense Committee Chairman Andrey Nikolayev called for intensification of activities at the Novaya Zemlya test

site in response to U.S. initiatives.⁵⁴ Those supporting renewed testing include those from within the Russian nuclear-military establishment who cite the need to guarantee the reliability and safety of Russia’s nuclear weapons, and advocates of developing new nuclear warheads. Like the United States, Russia may also be interested in developing its own low-yield penetrating nuclear warheads. The development of such munitions was reportedly authorized at the April 26, 1999, session of the Russian Federation Security Council, when Vladimir Putin was the council’s secretary. Other decisions made during that session reportedly included a decision to withdraw from the CTBT and begin preparations for the resumption of nuclear tests on Novaya Zemlya as soon as the United States begins similar preparations.⁵⁵ Despite these trends, a Russian decision to resume testing does not appear imminent unless the United States takes the first step. Such a decision would require Russia to invest heavily in restoring relevant infrastructure and take the politically charged step of withdrawing from the CTBT, likely to infuriate other governments, in particular in Europe, with whom Russia wants to maintain good relations. Some Russian observers warned that in any case Russia would be wise to reject the U.S. challenge and refrain from nuclear tests.⁵⁶

Impact on Negative Security Assurances

Another measure of the international impact of the NPR is its implications on longstanding U.S. commitments, both legal and political, not to use or threaten to use nuclear weapons against non-nuclear weapon states. The implementation of the NPR would clearly constitute a breach in United States legal and political commitments to this end. The United States was one of the first nuclear weapon states to formally commit not to use or threaten to use nuclear weapons against non-nuclear weapon states when former President Carter made such pledge in 1978. This commitment was further solidified when then Secretary of State Warren Christopher announced the declaration issued by former President Clinton on April 5, 1995 that “the United States reaffirms that it will not use nuclear weapons against non-nuclear-weapon state-parties to the Treaty on the Nonproliferation of Nuclear Weapons, except in the case of an invasion or any other attack on the United States, its territories, its armed forces or other troops, its allies, or on a state toward 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.”⁵⁷ This commitment was formal-

ized by UN Security Council Resolution 984 acknowledging the negative security assurances pledge made by the United States and similar pledges made by the four other NPT nuclear-weapon states.⁵⁸ The United States actively used this declaration and UN Security Council Resolution 984 to lobby NPT State Parties at the 1995 Review and Extension Conference for the indefinite extension of the treaty. The 1995 conference incorporated these negative security assurances in one of its most important documents, “Principles and Objectives for Non-Proliferation and Disarmament,” which was vital to securing the indefinite extension of the treaty.

The NPR calls on DOD to develop scenarios in which nuclear weapons could be used to respond to biological, chemical and nuclear attacks; to provide for pre-emptive strikes against biological, chemical and nuclear stockpiles and production facilities; and to react against “surprising military developments.” In effect, the NPR constitutes a “threat of use of nuclear weapons” against several identified states, five of which are non-nuclear State Parties of the NPT.⁵⁹ In his March 2002 interview with *Arms Control Today*, U.S. Under Secretary of State Bolton implied that the Bush administration no longer considers itself bound by pledges made by earlier administrations regarding the terms and conditions under which it would be prepared to consider using nuclear weapons. Referring to earlier pledges, including the 1995 negative security assurances declaration, Bolton stated: “We are just not into theoretical assertions that other administrations have made. I don’t think we’re of the view that this kind of approach is necessarily the most productive. What we’ve tried to say is that we’re looking at changing the overall way we view strategic issues and a large part of that is embodied in the outcome of the Nuclear Posture Review... So, I just don’t think that our emphasis is on the rhetorical, our emphasis is on the actual change in our military posture.”⁶⁰ In response to criticism at the 2002 NPT PrepCom over the change in U.S. negative security assurance policies, U.S. CD Ambassador Eric Javits simply stated that “there is no change in U.S. negative security assurances towards NPT non-nuclear weapon states.”⁶¹

Beyond its conflict with commitments made by the United States during the NPT Review process, the implied threat of use of nuclear weapons against specific countries constitutes a breach in U.S. obligations in accordance with its obligations under the protocols to the treaties establishing nuclear weapon-free zones, in particular the African Nuclear Weapon-Free Zone (Treaty of Pelindaba). Members States of the Pelindaba Treaty

declared the African continent free of nuclear weapons and have vowed not to acquire such weapons or allow their territories to be used for the development and testing of nuclear weapons. Protocol I of the Pelindaba Treaty, to which the United States is a signatory, requires the nuclear weapon states not to use or threaten to use nuclear weapons against any member of the zone. The inclusion of Libya in the NPR’s list of possible target countries is, in effect, a threat to use nuclear weapons against a member of the African Nuclear Weapon-Free Zone, and hence a violation of U.S. treaty obligations.

CONCLUSION

The policies contemplated in the NPR do not support nuclear disarmament, but instead constitute a framework in which the United States can more effectively threaten to use nuclear weapons against countries that don’t have them, while at the same time reduce the chances of nuclear exchanges between nuclear weapon states. The nuclear nonproliferation regime, in particular the NPT, would effectively be transformed into system where the emphasis is only on nonproliferation of nuclear weapons, with little if any recognition to the other part of the deal that made the NPT possible in the first place—the total elimination of nuclear weapons.

The provisions of the NPR and related comments by Bush administration officials undermine the support by the vast majority of countries for the international nuclear nonproliferation regime—support that has been instrumental in widespread nuclear restraint over the past several decades—including among countries with the capability to produce chemical, biological, and even nuclear weapons. These countries have made clear sacrifices in terms of their own security to forego nuclear weapons and other WMD programs by instead seeking their security in international treaties and collective security arrangements, such as the NPT. The NPR undermines these agreements by ridiculing instruments such as the CTBT and the ABM Treaty and instead emphasizing the value of nuclear weapons, the possible legitimacy of their use, and the right of the United States to take preemptive action.

Overall, the NPR should be considered as a severe setback for the strengthened NPT review process and the preparations for the 2005 Review Conference. The NPR, and statements by U.S. officials that the United States no longer feels bound by commitments made at the 1995 NPT Review and Extension Conference and the 2000 Review Conference, confirm the beliefs of many non-nuclear

weapon states that cautioned against the indefinite extension of the Treaty in 1995. At that time, these states argued that the nuclear weapon states would simply ignore their pledges to establish a CTBT, work for nonproliferation, and achieve eventual nuclear disarmament once the NPT was extended indefinitely. The 13 practical steps leading to nuclear disarmament adopted at the 2000 Review Conference, however, raised international expectation that the nuclear weapon states would at least begin to discuss seriously the elimination of nuclear weapons and the disarmament element of the NPT. The implications of the NPR, considered against the backdrop of a distinct failure to implement the 13 practical steps, have again heightened the sense of betrayal among the non-nuclear weapon states. To this end, the Malaysian statement at the 2002 NPT PrepCom was telling:

It is indeed regrettable that self-serving national interests of the nuclear-weapon States parties have taken control of the NPT process, at the expense of the larger interests of the international community that had placed their entire faith on the good intentions of the nuclear-weapon States when they overwhelmingly supported that process in good faith. It is, therefore, imperative to ensure that there will be no further weakening of support for the NPT as the consequences of that would be dire indeed; it could well lead to the unraveling of a regime that had served the international community well over three decades. In this regard, it is imperative for all countries to make every effort to respect and strengthen the Treaty and other multilateral disarmament related instruments, and not to weaken or undermine them.⁶²

Despite the corrosive effect of U.S. policies, the current international security climate would make it very difficult (if at all possible) for states to leave the NPT in the short to medium term. If the policies outlined in the NPR are pursued, however, loyalty to the NPT will wane. The long-run implication may be that some of these states will choose to leave the treaty and rearm themselves, possibly with WMD. Some non-nuclear weapon states, in particular Iran, Iraq, and North Korea, could regard provocative American nuclear attack planning as an incentive to acquire whatever WMD they can manage in order to present a credible threat in return. Seen in the context of a threat of use of nuclear weapons, states of particular proliferation concern could use the NPR as justification for their own nuclear weapons programs. Such proliferation would increase the probability of regional nuclear arms races or even regional nuclear weapons exchanges

with dire international consequences. Take, for example, North Korean officials' admission to U.S. Assistant Secretary of State Kelly during his October 2002 visit that the DPRK has a nuclear weapons program and also "things stronger than that."⁶³ It is interesting that the North Korean news agency warned earlier this year that the DPRK "will not remain a passive onlooker" to the Bush administration's inclusion of the DPRK among the seven targeted countries in the NPR, but instead will "take a strong countermeasure against it."⁶⁴ An October 2002 statement by North Korea accused the Bush administration of declaring "war against the DPRK" given its listing as part of the "axis of evil" and a target of U.S. pre-emptive nuclear strikes. It also stated that "the DPRK was entitled to possess not only nuclear weapons but any type of weapon more powerful than that, so as to defend its sovereignty and right to existence from the ever-growing nuclear threat by the U.S."⁶⁵ The NPT will come under severe pressure if other States Parties to the treaty decide to follow the North Korean approach as a direct response to the NPR.

In this regard, it is worth quoting Congressman Edward J. Markey (D-MA) following the adoption of the *National Defense Authorization Act for Fiscal Year 2003*: "At a time when we are trying to discourage other countries—such as North Korea—from developing nuclear weapons, it looks hypocritical for us to be preparing to introduce a whole new generation of nuclear weapons into the arsenal"⁶⁶ The Indian Defense Minister's recent statement that "before one challenges the United States, one must first acquire nuclear weapons" is telling in this context.⁶⁷ Although India has not been included in the NPR as a targeted state, it developed a nuclear weapons program in the face of international pressure (including by the United States) not to do so. The Indian statement could be indicative of the thinking by some of the states targeted by the NPR, such as North Korea.

The challenge facing the international community, in particular the United States' closest allies, is to convince the United States that true security will not be achieved through renewed reliance on nuclear weapons, but can only be achieved through international cooperation in developing and maintaining effective, binding, and verifiable multilateral agreements such as the CTBT and the NPT. In this regard it will be essential for these states not only to focus on the importance of vertical proliferation, but to place equal emphasis on the threats posed by horizontal proliferation. The challenge is to convince the United States and other nuclear weapon states that ful-

filling all their NPT commitments will be an integral part of maintaining the NPT itself. If non-nuclear states are to be convinced of the continuing value of not pursuing nuclear weapons and staying within the NPT, they will need to be convinced that the United States and other nuclear weapon states are taking active steps toward eliminating their nuclear arsenals and decreasing rather than increasing the chances of these weapons being used.

Unhappily, if the United States and other nuclear weapon states fail to adequately address these concerns, the nuclear nonproliferation regime may be unraveling by the time the 2005 NPT Review Conference convenes. This conference will be a litmus test for the United States, other nuclear weapon states, and their allies regarding the solemn undertakings given at the 1995 and 2000 NPT conferences. By then it will become clear if these undertakings still remain valid, or if they have become yet another victim of unilateral action in the national interest of the only remaining superpower.

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² Paul Richter, "U.S. Works Up Plan for Using Nuclear Arms," *Los Angeles Times*, March 9, 2002, p. 1; Michael R. Gordon, "U.S. Nuclear Plan Sees New Targets, New Weapons," *New York Times*, March 10, 2002, p. 1.

³ See, for example, "Nuclear Posture Review [excerpts]," Global Security.org, < <http://www.globalsecurity.org/wmd/library/policy/dod/npr.htm> > .

⁴ China, North Korea, Iraq, Iran, Syria and Libya.

⁵ J.D. Crouch, "Special Briefing on the Nuclear Posture Review."

⁶ "Nuclear Posture Review [excerpts]."

⁷ The White House, "National Security Strategy of the United States of America," September 20, 2002, < <http://www.whitehouse.gov/nsc/nss.html> > .

⁸ David Sanger, "Bush to Outline Doctrine on Striking Foes First," *New York Times*, September 20, 2002.

⁹ "US Works up Plan for Using Nuclear Arms" *Los Angeles Times*, March 9, 2002.

¹⁰ *Ibid.*

¹¹ *National Defense Authorization Act for Fiscal Year 2003*, Public Law 107-314, 107th Congress, 2nd Session, December 2, 2002.

¹² "Nuclear Posture Review [excerpts]."

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ U.S. Department of Energy, FY 2003 Budget Proposal, National Nuclear Security Administration, Weapons Activities/Executive Summary, May 30, 2002, < <http://www.cfo.doe.gov/budget/03budget/content/WEAPONS/Weapons.pdf> > .

¹⁶ Los Alamos National Laboratory Institutional Plan (FY2001-FY2006), Los Alamos, NM, April 2001.

¹⁷ James Dao, "Nuclear Study, Given Go-Ahead, Rouses Fears About a New 'Bunker Buster' Weapon," *New York Times* November 17, 2002. See also the comments on this subject by Ambassador Linton Brooks, acting Director of the U.S. National Nuclear Security Administration, in "Ambassador Linton Brooks on U.S. Nuclear Policy," *Nonproliferation Review* 9 (Fall/Winter 2002), p. 2.

¹⁸ *National Defense Authorization Act for Fiscal Year 2003*.

¹⁹ For a discussion of U.S. debates about preventive war in the 1940s and 1950s, see Marc Trachtenberg, *History and Strategy* (Princeton: Princeton University Press, 1991), chapter 3.

²⁰ "Nuclear Posture Review [excerpts]."

²¹ Treaty on the Non-Proliferation of Nuclear Weapons (NPT), Article VI, < <http://disarmament.un.org/wmd/npt/npttext.html> > .

²² United Nations Security Council Resolution 984, April 11, 1995, < <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N95/106/06/PDF/N9510606.pdf?OpenElement> > .

²³ Russian Ministry of Foreign Affairs, "Transcript of Russian President Vladimir Putin Meeting with German and Russian Media," April 4, 2002.

²⁴ Stephen Younger, "Nuclear Weapons in the Twenty-First Century," June 27, 2000, < <http://www.fas.org/nuke/guide/usa/doctrine/doe/younger.htm> > ; Paul Robinson, "A White Paper: Pursuing a New Nuclear Weapons Policy for the 21st Century," Sandia National Laboratory, Sandia, NM, March 22, 2001 < <http://www.sandia.gov/media/whitepaper/2001-04-Robinson.htm> > .

²⁵ "Структура и Состав Ядерной Триады Станет Личным Делом России," *Strana.ru*, May 23, 2002; Yuri Golotyuk, "Kreml Uchit Druzhit s Amerikoi," *Vremya Novostei*, May 22, 2002; "Rossiya ne Poidet Na Dalneishee Sokrashchenie Raket R-36 'Satana,' Zayavil Yuri Baluevski," *Strana.ru*, May 18, 2002; interview with Baluevski at the radio station "Mayak" on May 16, 2002, < <http://www.radiomayak.ru> > .

²⁶ For a discussion of Russian debates, see Nikolai Sokov, "Why Do States Rely on Nuclear Weapons? The Case of Russia and Beyond," *Nonproliferation Review* 9 (Summer 2002), pp. 101-111.

²⁷ "China Bluntly Rebukes U.S. Over Nuclear Policy," *New York Times*, March 17, 2002.

²⁸ Evan S. Medeiros and Jing-dong Yuan, "The U.S. Posture Review and China's Responses," Center for Nonproliferation Studies, Monterey Institute of International Studies, April 1, 2002, < <http://cns.miis.edu/pubs/week/020401.htm> > .

²⁹ Richard Norton-Taylor, "The New Nukes: The U.S. is Developing a Range of Handy, 'Low-Yield' Bombs—and It's Prepared to Use Them," *Guardian* (London), August 6, 2002.

³⁰ Stephen Fidler, "Experts Warn on Risk if Nuclear Treaty Collapses," *Financial Times*, August 1, 2002; Julian Borger, "Bunker Bomb Will Bust Test Ban," *Guardian* (London), March 11, 2002; Jacques Isnard, "Le Pentagone n'exclut pas de reprendre ses essais nucléaires suspendus depuis 1992," *Le Monde* (Paris), March 16, 2002.

³¹ Steven Erlanger, "Bush's Move on ABM Pact Gives Pause to Europeans," *New York Times*, December 13, 2001.

³² Uve Voerkoeetter, "Amerikas neu Doktrin," *Berliner Zeitung*, March 14, 2002.

³³ "United States: What's New? The Nuclear Posture Review," *The Economist*, March 16, 2002, p. 35; "Fission and Confusion," *The Economist*, March 16, 2002; "Nuclear Posture," *Financial Times*, March 10, 2002.

³⁴ Two high-level Japanese politicians who made such statements are the chief cabinet secretary Yasuo Fukuda and the leader of the opposition Liberal Party Ichiro Ozawa. Fukuda's statement was promptly repudiated by Japanese Prime Minister Junichiro Koizumi. See Howard French, "Nuclear Arms Taboo is Challenged in Japan," *New York Times*, June 9, 2002, p. 1; Stanislav Nikolaev, "'Avianosets' Vykhodit iz Gavani," *Vek* (Moscow), April 12-19, 2002, p. 5.

³⁵ Ambassador Mary Whelan of the Republic of Ireland, "Statement to the Conference on Disarmament by on behalf of Brazil, Egypt, Ireland Mexico, New Zealand, South Africa and Sweden," Geneva, Switzerland, June 27, 2002.

³⁶ Press Release from the New Zealand Government Executive, "Robson Urges Rethink on Nuclear Plans," Auckland, New Zealand, March 12, 2002, < <http://www.executive.govt.nz/speech.cfm?speechrph=37568&SR=0> > .

³⁷ Ambassador of the Republic of Columbia Reyes Rodriguez, "Statement to the Conference on Disarmament by on behalf of the Group of 21," Geneva, Switzerland, January 31, 2002.

³⁸ Javad Zarif, Deputy Foreign Minister for Legal and International Affairs for the Islamic Republic of Iran, "Statement to the Conference on Disarmament," Geneva, Switzerland, March 8, 2002.

³⁹ Abdul Sattar, Minister of Foreign Affairs of Pakistan, "Statement to the Conference on Disarmament," Geneva, Switzerland, March 8, 2002.

⁴⁰ *Frontier Post* (Karachi), March 11, 2002; *Al Ahrām* (Cairo), March 14, 2002.

⁴¹ UN General Assembly Draft Resolution A/C.1/57/L.3.Rev.1, "Towards a Nuclear-Weapon-Free World: The Need for a New Agenda," was adopted by the First Main Committee of the 57th session of the General Assembly with a vote of 118 to 7, with 38 abstentions. The full General Assembly adopted the resolution on November 22, 2002 by a vote of 125 to 8, with 36 abstentions. See UN General Assembly Resolution 57/59, November 22, 2002, < <http://disarmament.un.org/vote.nsf> > .

⁴² UN General Assembly resolution 55/33C "Toward a Nuclear Weapons

Free World: A Need for a New Agenda," November 20, 2000, < <http://disarmament.un.org/vote.nsf>>. The resolution was adopted with a vote of 154 to 3, with 8 abstentions.

⁴³ "Expounding Bush's Approach to U.S. Nuclear Security: An Interview with Under Secretary of State for Arms Control and International Security John Bolton" *Arms Control Today* 32 (March 2002), < http://www.armscontrol.org/act/2002_03/boltonmarch02.asp>.

⁴⁴ Ambassador Eric Javits, U.S. Permanent Representative to the Conference on Disarmament, "Statement at the 2002 PrepCom for the 2005 NPT Review Conference," New York, NY, April 12, 2002.

⁴⁵ "U.S. Plan Concerns Top U.N. Official," UN Wire, March 13, 2002.

⁴⁶ "Nuclear Posture Review [excerpts]."

⁴⁷ Hasmy Agam, Permanent Representative of Malaysia to the United Nations, "Statement made at the 2002 PrepCom for the 2005 NPT Review Conference," April 8, 2002.

⁴⁸ Ambassador Makmur Widodo, Permanent Representative of the Republic of Indonesia to the United Nations, "Statement on Behalf of the Non-Aligned Movement States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons," New York, NY, April 8, 2002.

⁴⁹ Vienna Convention on Treaties (1969).

⁵⁰ "Nuclear Posture Review [excerpts]."

⁵¹ *National Defense Authorization Act for Fiscal Year 2003*.

⁵² "Ambassador Linton Brooks on U.S. Nuclear Policy," *Nonproliferation Review* 9 (Fall/Winter 2002), p. 2.

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