

'05

The Non-Proliferation Treaty Review Conference: **Breakthrough or Bust in '05?**

A BASIC/ORG project - Briefing 14

Leading by the Wrong Example: New Nuclear Weapons Developments in the United States

Background

Developing nuclear weapons capacity is back in vogue. Not only in the non-NPT nuclear states (**India, Pakistan** and **Israel**: see *Briefing No. 11*) or in 'states of proliferation concern' (**North Korea** and **Iran**: see *Briefings No. 6 & 15*), but in the most powerful and oldest nuclear state - the **United States**. Over the last seven years, US nuclear policy has shifted dramatically from one of steady, if grudging, compliance with arms control and non-proliferation agreements to that of an aggressive stance that threatens testing new weapons, and first use against non-nuclear states. The four other Nuclear Weapon States (NWS) - **China, France, Russia** and the **United Kingdom** - are also reviewing their nuclear weapons infrastructure, albeit to a much lesser degree (see *Briefing No. 10*). How the international community responds to these actions may well influence the future of the Non-Proliferation Treaty and the overall non-proliferation regime.

Article VI of the Non-Proliferation Treaty (NPT) obligates nuclear weapon states (NWS) to negotiate towards the elimination of nuclear weapons. However, by 1995, the non-nuclear weapon states (NNWS) had begun raising fundamental questions over whether the NWS intended to follow through with their Article VI obligations. The Final Documents of the 1995 and 2000 NPT Review Conferences reiterated these concerns with increasing clarity and alarm, as little progress was seen and in some cases, such as the 1998 US Senate vote against CTBT ratification, regression was evidenced.

This mixture of Article VI non-action in some cases and back-sliding in others has only increased during the Bush administration. For example, the 2001 US Nuclear Policy Statement describes the role of nuclear weapons well into the future, not only as part of a nuclear deterrent policy but as part of America's war-fighting strategy. While the Moscow Treaty aspires to reduce active, deployed nuclear warhead numbers, its lack of transparency and reversibility leave future intentions to chance and



photo: Dept of Defense

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question, while maintaining thousands of nuclear weapons in its core stocks. Perhaps most provocatively, the Bush administration has pursued a host of more robust nuclear policy objectives: new strategic nuclear delivery systems including both missiles and bombers; a new Modern Pit Facility with the capacity to manufacture between 250 and 900 nuclear components annually; a decrease in the time necessary to prepare for nuclear testing; consideration of nuclear-tipped missile defence interceptors; and a series of new nuclear weapons for particular purposes.

Opening the Door

The United States has not developed a new nuclear weapon since 1988 but now there are clear signs in this direction. Through successive yearly budgets submitted to a receptive US Congress, the Bush administration has shown a desire to rethink many aspects of its nuclear policy. The first move occurred in May 2003 when the Senate overturned the 1994 Spratt-Furse provision, which had barred research and development that could lead to the production of low-yield nuclear weapons - weapons with explosive yields less than the equivalent of five kilotons of TNT (i.e. “mini-nukes”). Spratt-Furse had been intended to reinforce a bright line between conventional and nuclear weapons to ensure that the threshold for their use would not be lowered.

Enacting the Administration's New Nuclear Weapon Initiatives

With Spratt-Furse removed, in 2003 the US administration requested research funds for the Advanced Concepts Initiative (ACI) and the Robust Nuclear Earth Penetrator (RNEP). The ACI programme was to design new and modified warheads with specific characteristics: lowered yields, certain radiation outputs, and other blast effects. RNEP proposed to study modifying an existing weapon so that it would penetrate some depth into the ground before detonating, increasing its ability to destroy buried targets. The administration also requested funds to reduce the maximum time between a presidential order to conduct a nuclear test and the test itself to 18 months, shortening the standard since 1996 of 24 to 36 months. Congress passed these provisions and they became law by the end of 2003.

In 2004, the administration requested continued funding for the ACI and RNEP programmes, along with others designed to reinvigorate the US nuclear stockpile. However, in an unexpected move, Congress ultimately decided to cut or significantly curtail funding for all these initiatives, including the elimination of the ACI and RNEP budgets.

The administration has made restoration of RNEP funding a top priority





for 2005, and through Congressional action, ACI has been replaced by a new line item, the Reliable Replacement Warhead (RRW). Although the specifics are not clear, RRW is intended to research the design modification of existing warheads to determine whether they can be made more reliable. However, there are suspicions that new warhead designs may be introduced in the process, potentially leading to testing.

US Rationale for New Nuclear Weapons

The US administration has stated a concern that the current US stockpile is not suited to post-Cold War threats, thereby undermining their deterrent. According to this argument, underground facilities built by North Korea, Iran, and potentially others may not be sufficiently held at risk by the current nuclear arsenal; concurrently, small, “rogue” states or terrorists may not believe that the United States would use a massive nuclear weapon against a relatively smaller and weaker foe.

Simultaneously, proponents of new nuclear weapon development have begun to raise doubts concerning the safety, security, and reliability of the existing stockpile and the Stockpile Stewardship program, although the stockpile continues to be certified each year.

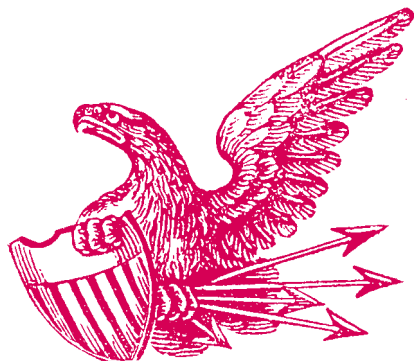
Put together, advocates argue that solutions lie in modified and perhaps new warhead designs, and that the US government should be preparing to test when there is a failure to certify the stockpile or when a new or modified warhead design is so fundamentally different that it would require testing before deployment.

New Nuclear Weapons and the NPT

While the NPT does not explicitly ban the development of new nuclear weapons, such developments are inconsistent with progress on implementation of Article VI. Final Documents from the 1995 and 2000 Review Conferences lay out paths toward fulfilment of Article VI obligations, and are designed to lower the visibility and importance of nuclear weapons in NWS strategic planning, while placing more and more stringent restrictions on the nuclear weapons infrastructure. Specifically, they include: ratification of CTBT; FMCT negotiation; negative security assurances; and systematic, progressive efforts to reduce nuclear weapons globally and an undertaking to accomplish total nuclear disarmament.

In contrast, the Bush administration has sought new missions for nuclear weapons, raising their visibility; pursued arms reductions negotiations with less stringent requirements; vowed not to work for ratification of the

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CTBT and has considered the legal possibility of un-signing the treaty; refuses to negotiate a verifiable FMCT; has withdrawn negative security assurances; and is researching new nuclear weapons while advocating Stockpile Stewardship activities that will maintain the nuclear stockpile for the foreseeable future and may lead to new warhead designs that will necessitate a return to testing.

It is highly unlikely that the US Congress will pass the relevant legislation that deals with these issues before the Review Conference, and so States Parties will not have the benefit of knowing whether the 2004 cuts in new nuclear weapon funding will hold. In light of this and the overall US nuclear posture, it is likely that while the US will want to focus on issues such as the Additional Protocol and the fuel cycle, its own provocative nuclear weapon policies will significantly hamper its negotiating manoeuvrability and weaken the overall non-proliferation regime.

What Washington says and does about nuclear weapons can have a profound effect on other countries. If the United States places more reliance on nuclear weapons, other nations will follow. The power of US example should not be underestimated. Regrettably, with respect to its Article VI commitments under the NPT, the United States is currently leading by the wrong example.

Recommendations

We urge all NWS to:

1. Reaffirm their commitment to Article VI by forgoing any and all new nuclear weapon development;
2. Reiterate that nuclear stockpile maintenance programmes are only for the purpose of ensuring a safe, secure, and reliable stockpile as part of an irreversible process of nuclear weapons reductions; and
3. Commit to a timetable of negotiations towards fulfilling their 2000 disarmament commitments.

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