

NUCLEAR NARRATIVES

REFLECTIONS ON DECLARATORY POLICY

Malcolm Chalmers



RUSI
www.rusi.org



Royal United Services Institute

WHITEHALL REPORT 1-10

First Published 2010

© The Royal United Services Institute for Defence and Security Studies

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior permission of the Royal United Services Institute.

Whitehall Report Series

ISSN 1750-9432

About RUSI

The Royal United Services Institute (RUSI) is an independent think tank engaged in cutting edge defence and security research. A unique institution, founded in 1831 by the Duke of Wellington, RUSI embodies nearly two centuries of forward thinking, free discussion and careful reflection on defence and security matters.

For more information, please visit: www.rusi.org

About Whitehall Reports

Most *Whitehall Reports* are available as part of a membership package, or individually at £10.00 plus p&p (£1.00 in the UK/£2.00 overseas). Orders should be sent to the Membership Administrator, RUSI Membership Office, Whitehall, London, SW1A 2ET, United Kingdom and cheques made payable to RUSI. Orders can also be made via the website or by quoting credit card details via email to: membership@rusi.org

For more details, please visit: www.rusi.org/publications

Printed in Great Britain by Stephen Austin & Sons Ltd for the
Royal United Services Institute, Whitehall, London, SW1A 2ET, United Kingdom

RUSI is a Registered Charity (No. 210639)

Cover: President Barack Obama delivers his first major speech stating a commitment to seek the peace and security of a world without nuclear weapons in front of thousands in Prague, Czech Republic, 5 April 2009. *Photo courtesy of Pete Souza/White House.*



Whitehall Report 1-10

Nuclear Narratives

Reflections on Declaratory Policy

Malcolm Chalmers

The views expressed in this paper are the author's own, and do not necessarily reflect those of RUSI or any other institutions to which the author is associated.

Comments pertaining to this report are invited and should be forwarded to: Malcolm Chalmers, Professorial Fellow, Royal United Services Institute, Whitehall, London, SW1A 2ET, United Kingdom, or via email to malcolm.chalmers@rusi.org

Contents

About the Author	iv
Acknowledgements	v
Introduction	1
1. Deterrence, Reassurance and Declaratory Policy	3
2. The Missing Declaratory Link	8
3. A Contradiction in Norms	15
4. The Pervasiveness of Nuclear Deterrence ...	18
5. Audience Diplomacy	21
6. Declaratory Policy Options	25
7. The Conventional Superiority Dilemma	36
8. Conclusions	37
Acronyms and Abbreviations	38

About the Author

Malcolm Chalmers is Professorial Fellow in British Security Policy at the Royal United Services Institute for Defence and Security Studies (RUSI), and is head of RUSI's Nuclear Policy Project. He was a member of the Defence Secretary's Defence Advisory Forum for the 2010 Green Paper, and was previously Special Adviser to Foreign Secretaries Jack Straw MP and Margaret Beckett MP. He contributes to RUSI's capacity for research across a range of defence and foreign policy issues.

Professor Chalmers's current research focuses on contemporary UK defence policy, nuclear non-proliferation and disarmament, and defence economics, with recent publications including: 'Numbers and Words: Prospects for Nuclear Arms Control' (*RUSI Journal*, April/May 2010); with Simon Lunn, 'NATO's Tactical Nuclear Dilemma' (RUSI Occasional Paper, March 2010); 'Capability Cost Trends: Implications for the Defence Review' (RUSI Future Defence Review Working Paper No. 5, January 2010); 'Preparing for the Lean Years: How will British Defence Spending Fare in an

Age of Austerity?' (RUSI Future Defence Review Working Paper No.1, July 2009); 'Britain's new nuclear debate' (*RUSI Journal*, April 2009); 'A Force for Influence: Making British Defence Effective' (*RUSI Journal*, December 2008); and 'Chinese and British Perspectives on the Road to the NPT 2010, November 2009' (RUSI Workshop Report, November 2009).

He is also Professor of Defence and Foreign Policy in the Department of War Studies, King's College, London (where he currently teaches), and Professor of International Politics in the Department of Peace Studies, University of Bradford. He has also been Visiting Fellow at the Center for International Security and Arms Control, Stanford University, and Senior Consulting Fellow, International Institute for Strategic Studies. From 2005-08, he was a member of the Higher Education Funding Council's Sub-Panel for Politics and International Studies. He has been Chair of Saferworld and remains a member of its Board of Trustees.

Acknowledgements

This *Whitehall Report* originated as an analytical study commissioned by the Nuclear Security Project (NSP) of the Nuclear Threat Initiative (NTI). The author would like to express his appreciation to the NTI for their support for the preparation and publication of this study. The views expressed in this report are entirely the author's own and not those of the Nuclear Security Project. For more information, see the NSP website:

www.nuclearsecurity.org

This report is part of ongoing work at RUSI on nuclear non-proliferation, security and disarmament. This research strand also focuses on national and international nuclear policy and strategy.

The author would also like to thank the many experts and officials who generously gave their time in the preparation of this study. He would also like to thank Professor Michael Clarke, Andrew Somerville, Adrian Johnson and Anna Rader for their assistance with research, editing and production.

Introduction

For some, the only purpose of nuclear declaratory policy is deterrence. The prospect of nuclear war is so terrible, it is argued, that it has made major war impossible, at least between nuclear-armed states. And, they argue, the reality that no state has used nuclear weapons for more than six decades speaks more eloquently than any declaratory policy could ever do. Provided that the credibility of deterrent threats can be maintained, therefore, the world will never again have to suffer the catastrophe of total war.

From the start of the nuclear age, however, the policy of relying on absolute terror to create absolute peace has itself rested on a further paradox. For, in order for deterrence to be effective, states possessing nuclear weapons have to convince others that there are some circumstances in which they would be prepared to use those weapons. Yet those efforts themselves can create the perception that states are seeking options to achieve political advantage, using them to coerce others to bend to their will, rather than simply deter them from aggressive acts.

From an early stage, therefore, nuclear deterrence policies have been accompanied by attempts to develop policies of reassurance and arms control designed to reassure non-nuclear-weapon states (NNWS), restrict arms racing, improve crisis stability and reduce costs.

Declaratory policies have been central to these reassurance efforts. In 1968, the nuclear-weapon states pledged to pursue nuclear disarmament 'in good faith', as part of the bargain that underpinned the Nuclear Non-Proliferation Treaty (NPT). This commitment was further strengthened as part of the NPT's indefinite extension in 1995. And the NPT's NNWS were given Negative Security Assurances (NSAs), designed to provide reassurance that their decision to give up nuclear options would not leave them exposed to nuclear coercion.

In addition, declaratory policy has often also been an important part of wider efforts to devalue and

delegitimise nuclear weapons, and of efforts to move towards a world in which nuclear weapons have much less of a role in international politics than they do at present.

The statements that governments make about when and for what purpose they might use nuclear weapons therefore remain a key element in deterrence and disarmament discourse. In light of this growing interest, the purpose of this paper is to explore the scope for developing declaratory policy in the coming years.

First, the paper lays out some possible options for strengthening the NSAs that the nuclear-weapon states give to NNWS. It examines how nuclear-weapon-free zone treaties are already providing a mechanism through which the nuclear-weapon states are asked to provide legally binding NSAs to NNWS. It suggests that consideration be given to removing the 'Warsaw Pact' clause, whereby states acting 'in association with' nuclear-weapon states no longer enjoy NSA protection. It urges reconsideration of attempts to exclude states 'in material breach' of International Atomic Energy Agency (IAEA) obligations, provided that they do not possess operational nuclear arsenals. And it raises questions as to whether the current emphasis on the role of nuclear weapons in deterring the use of non-nuclear weapons of mass destruction unduly blurs the clear distinction between the two types of capabilities.

Second, the paper examines whether a more restrictive declaratory policy might have a role to play in developing multilateral arms control between the five recognised nuclear-weapon states. It argues that a policy of No First Use of nuclear weapons under any circumstances may be a step too far, both for public opinion in NATO countries and for those nuclear-weapon states (especially Russia) who are concerned about conventional inferiority. But it also suggests that proposals for the 'sole purpose' of nuclear weapons to be the deterrence of the use of such weapons by others are both too narrow and too wide in conception. It may be too narrow

because it rules out the possibility of first use even in circumstances where the existence of a state and its people is under immediate threat. But it is too wide because it assumes that it is acceptable to use nuclear forces to destroy the nuclear forces of a potential opponent in order to prevent their use. In principle, there are circumstances in which pre-emptive (but not preventative) attacks on the military forces of another state may be appropriate. But force postures that include preparations for such attacks cannot be easily distinguished from those necessary for disarming first strikes. A 'sole purpose' declaration, therefore, does little to counteract the counter-force dynamic that is the major obstacle to moving to stability at low numbers.

Instead of these proposals, therefore, this report suggests that the central purposes of arms control between the nuclear-weapon states should be twofold: to reduce reliance on nuclear weapons, while also reducing concerns over counter-force capabilities. This, in turn, leads to the suggestion that the nuclear-weapon states recognised in the NPT (the 'NPT5') should combine a commitment to the acceptance of 'mutual vulnerability' with a commitment to use nuclear weapons only as a 'very last resort'. This latter formulation would allow states to retain the option of nuclear use in circumstances where their very existence is threatened. But it would also involve making clear that there would be no automatic retaliatory use of nuclear weapons.

In contrast, this report does not suggest that the nuclear-weapon states should accept mutual vulnerability between themselves and emerging nuclear-armed states such as Iran and North Korea. The tensions that would be involved in maintaining such a two-level nuclear order further reinforce the importance of containing the nuclear aspirations of these states.

Any further restrictions on the circumstances in which nuclear weapons might be used will be resisted by those who believe that all that matters is the credibility of deterrence, and that complete ambiguity is the best way to ensure this objective. Those who make this argument fear that, even though nuclear deterrence has been central to the remarkable great power peace that the world has enjoyed since 1945, it is also inherently fragile. They argue, therefore, that efforts to strengthen the NPT regime must focus relentlessly on halting proliferation, and that measures to further constrain the existing nuclear-weapon states should be strongly resisted.

Such an argument might have had some logic in the era of US superiority that followed the end of the Cold War. But the last decade has already exposed the limits of a policy based on unilateral hegemony, even during a period of unprecedented concentration of military power in the hands of one country. Moreover, if current trends towards the dispersion of economic power away from the US and Europe continue, the opportunities for unilateral US, or even NATO, leadership in international security will continue to diminish. The alternative to negotiated regimes of multilateral constraint, therefore, will not be a continuation of the post-1990 status quo. Rather, it is a situation in which other states – most notably China and India – seek to translate their growing economic power into increasing self-reliance in ensuring their own security requirements. In the nuclear field, this would mean that the major nuclear states would increasingly seek to erode the current US advantage in military capability through development of their own means for nuclear and conventional counter-force operations. Given this default scenario, it is perhaps still worth exploring whether other, more co-operative, alternatives are still possible.

1. Deterrence, Reassurance and Declaratory Policy

Actions speak louder than words, and the reality that no state has used nuclear weapons for more than six decades speaks more eloquently than any declaratory policy could ever do.

Yet, despite this reality – and indeed, to an extent, because of it – the statements that governments make about when, and for what purpose, they might use nuclear weapons remain a key element in deterrence and disarmament discourses.

From the early years of the nuclear age, a broad consensus has developed that the creation of nuclear weapons has permanently, and fundamentally, transformed the nature of international security. Even so, sixty-five years after the Hiroshima and Nagasaki bombs, intense debates continue to rage as to the nature and implications of that transformation. Central to these debates is how the competing requirements of disarmament and deterrence can be reconciled. At one end of the spectrum are those who give nuclear weapons a central role in the absence of Great Power war since 1945, and believe it would be foolish to take risks with the credibility of the deterrence system on which this peace is based. At the other pole are those who argue instead that the existence of nuclear weapons is one of the central threats facing humanity, and consequently press for rapid progress towards nuclear disarmament, without which, they fear, nuclear use will one day be inevitable. This tension is at the heart of debates on declaratory policy – the official statements of policy on the circumstances in which nuclear weapons might or might not be used.

Policy-makers in nuclear-armed states – including those in the three NATO nuclear-weapon states (the main focus of the discussion in this report) – have drawn on both deterrence and disarmament paradigms in their declaratory policies. These declaratory commitments are in turn important drivers for both operational planning and force structures. For example, were the US president to declare that he would never use nuclear weapons against any NNWS, it would be very difficult for

the Pentagon to plan on some other basis. To the extent that current declaratory policy fails to constrain planning, by contrast, this reflects a deliberate decision not to do so, rather than being a result of an inherent incredibility in declaratory policy.

Declaratory policy also matters to NNWS. From their perspective, reducing the risk that nuclear weapons might be used against them is likely to be much more important than whether the arsenals of nuclear-weapon states are numbered in the hundreds or the thousands, or indeed whether arms control measures have succeeded in restraining further improvements in their accuracy or reliability. As a result, while most NNWS support proposals to end nuclear testing and fissile material production, they attach at least equal importance to extracting assurances – preferably on a legally binding basis – that their own non-nuclear weapon status will not render them vulnerable to nuclear blackmail or attack.

From an early stage, therefore, nuclear deterrence policies have been accompanied by attempts to develop policies of reassurance and arms control, designed to reassure NNWS, restrict arms racing, improve crisis stability, and reduce costs.

Declaratory policies have been central to these reassurance efforts. In 1968, the nuclear-weapon states pledged to pursue nuclear disarmament ‘in good faith’, as part of the bargain that underpinned the NPT. This commitment was further strengthened as part of the NPT’s indefinite extension in 1995. And the NPT’s NNWS were given Negative Security Assurances, designed to provide reassurance that their decision to give up nuclear options would not leave them exposed to nuclear coercion.

In addition, declaratory policy has often also been as an important part of wider efforts to devalue and delegitimise nuclear weapons, and of efforts to move towards a world in which nuclear weapons have much less of a role in international

politics than they do at present. After the hiatus of the Bush years, nuclear arms control has returned to the forefront of the international agenda, and US President Barack Obama and former UK Prime Minister Gordon Brown have both emphasised their commitment to an activist disarmament agenda. Yet it is noteworthy how little emphasis has been given so far to declaratory policy in their pronouncements. Despite evidence that NNWS give more weight to assurances about when nuclear weapons might be used than to declarations about how many weapons remain in service, the primary foci of Western disarmament efforts have been arms reduction (for example, through START) and capping the programmes of new nuclear-armed states (through the Comprehensive Test Ban Treaty [CTBT] and Fissile Material Cut-off Treaty [FMCT]).

If the nuclear-weapon states are serious about pushing the disarmament agenda forward beyond these initial steps, however, the role of declaratory policy in this process cannot easily be ignored. Reports suggest that US declaratory policy was an important element in the preparatory discussions for the 2010 US Nuclear Posture Review. It has also been one of the key issues of interest to NNWS in previous NPT review conferences, and remains so at the 2010 meeting. In light of this growing interest, the purpose of this report is to explore some possible options for developing declaratory policy in coming years.

Disarmament and Negative Assurances

Early attempts to include such Negative Security Assurances in the NPT were unsuccessful, with NNWS having to settle for the Article VI commitment by the nuclear-weapon states to pursue disarmament negotiations in good faith. But the issue of NSAs returned to international diplomacy during the negotiations that led to the indefinite renewal of the NPT in 1995. As part of the process leading to this, the nuclear-weapon

states made co-ordinated NSAs, which were then acknowledged by a UN Security Council resolution in April 1995, just prior to the NPT conference that year. These committed the nuclear-weapon states to not attacking NNWS that were in good standing in the NPT, and were not in alliance with a nuclear weapon state.¹ However, only China made its assurance unconditional, hence committing itself never to use nuclear weapons first, against any state. By contrast, the statements made by the US, the UK, France and Russia made clear that assurances did not apply when an invasion or an attack on a state's 'territories, its armed forces or other troops, its allies, or on a State towards which it has a security commitment ... [was] ... carried out or sustained by such a non-nuclear weapons state in association or alliance with a nuclear-weapon state'. Moreover, both the US and the UK indicated that only parties to the NPT that are in compliance with their obligations were entitled to the assurances given, with the UK's assurances only valid for NNWS that are not in 'material breach' of their NPT obligations, whereas the US guarantee is given only to those states 'in compliance with' the NPT.

At the 2000 NPT Review Conference, nuclear-weapon states went a little further, agreeing to a final document stating that:²

legally binding security assurances by the five nuclear-weapon states to the non-nuclear-weapon states parties to the Treaty on the Non-Proliferation of Nuclear Weapons strengthen the nuclear non-proliferation regime. The Conference calls upon the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue.

The subsequent change in the US administration in late 2000 led to an end to further progress in multilateral arms control, as the US increasingly emphasised the role of military intervention as the

¹ Jean du Preez, 'The Role of Security Assurances: Is Any Progress Possible?', Monterey Institute of International Studies, April 2004.

² Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons', NPT/CONF.2000/28, p. 15.

central means of combating proliferation threats. With US government officials also emphasising the role of nuclear weapons in responding to the use of chemical and biological weapon attacks, the perception grew that the US's 1995 NSAs were no longer valid. Although the 2000s saw continuing reductions in the size of American and Russian arsenals, as well as those of France and the UK, the perception that these states were simultaneously widening the circumstances in which they might consider nuclear use added to concern that they no longer believed in the disarmament path to which they had committed themselves in 1995 and 2000.

The Declaratory Shift

By the middle of President George W Bush's second term, the policy pendulum began to swing again. One of the early signs was the January 2007 *Wall Street Journal* article by George Shultz, William Perry, Henry Kissinger and Sam Nunn ('the Four Statesmen'), who argued that the US must reinvigorate its approach to nuclear arms control, based on a renewed commitment to the vision of a world free of nuclear weapons.³ The trend accelerated with President Obama's Prague speech of April 2009, in which he committed the US 'to reduce the role of nuclear weapons in our national security strategy', and urged others to do the same.⁴

Most recently, on 6 April 2010, the US published its Nuclear Posture Review in which it made a formal commitment not to 'use, or threaten to use, nuclear weapons against non-nuclear-weapon states' in compliance with their NPT commitments. In relation to other (nuclear-armed and non-compliant) states, it says that 'there remains a narrow range of contingencies in which US nuclear weapons may still play a role in deterring a conventional or [chemical and biological weapons] attack', while also promising that the US would work to create the conditions under which

the 'sole purpose' of US nuclear weapons would be to deter nuclear attack. These statements mark a significant shift away from traditional declaratory policies on deterrence, which usually reject any attempt to reduce uncertainty as to the circumstances in which nuclear weapons might be used or threatened.

At the time of writing, it was not yet clear whether the UK, France and Russia will be prepared to move in a similar direction in relation to NSAs. But it is possible that the UK at least will do so, since its government has increasingly emphasised its own commitment to reinvigorating the nuclear disarmament process.

New governments in Germany and Japan have also made clear their support for progress on the 'Obama agenda', rebutting suggestions that they are concerned about potential risks to extended nuclear deterrence. The launch of the report of the International Commission on Nuclear Non-Proliferation and Disarmament (ICNND) in December 2009, with support from a strong group of retired statesmen and stateswomen, added further weight to calls for progress across the NPT agenda.

Yet other nuclear-armed states remain more sceptical about the prospects for, or desirability of, change. In response to the increasing weakness of its conventional forces, Russia has moved to increase the emphasis it places on nuclear weapons in its military doctrine. The world's two leading emerging powers, China and India, have not significantly altered their positions, and remain largely aloof from the frenzy of activity accompanying the run-up to the NPT Review Conference. The French government believes that the US and UK are already going too far in their advocacy of disarmament, and were successful in diluting Anglo-American proposals for the text of the UN Security Council nuclear resolution in

³ George P Shultz, William J Perry, Henry A Kissinger and Sam Nunn, 'A World Free of Nuclear Weapons', *Wall Street Journal*, 4 January 2007.

⁴ Obama Prague Speech on nuclear weapons: full text, <http://www.huffingtonpost.com/2009/04/05/obama-prague-speech-on-nu_n_183219.html>, accessed 7 May 2010 .

September 2009. Those nuclear-armed states that feel most vulnerable to conventional attack (Pakistan and North Korea) have been keen to emphasise that nuclear disarmament will only be possible if their security can be ensured in other ways. A future Iranian government could also make a similar argument.

Nor should the extent of the shift in US policy be overstated. It is not yet certain whether the US Senate will be prepared to ratify the New START Treaty with Russia, far less the Comprehensive Nuclear Test Ban Treaty. Nor is it clear whether, even if these treaties are ratified, there is the political appetite for more force reductions in the near future. It remains possible that, in retrospect, 2009 will have been the high point for disarmament optimism. With the prospects for Iranian breakout increasing, and several other states keeping their options open, confidence in the prospects for nuclear restraint could soon be further undermined.

Getting to Zero

One key declaratory indicator of just how far the world is from agreement on nuclear disarmament has been the frequent statements by leaders dampening expectations of the pace of progress, including forty-eight year old President Obama's admission that he may not see a world free of nuclear weapons in his lifetime. Instead, although the long-term aspiration for 'getting to zero' remains a powerful element of declaratory policy, the main focus of policy debates has been on short- and medium-term measures that can be taken to move incrementally in that direction.

So how does this policy agenda relate to the long-term vision of a world free of nuclear weapons? A useful conceptual innovation in this regard is the idea of a 'vantage point', defined as a position of 'deep reductions of nuclear weapons, from which abolition can be envisaged, mapped and navigated'.⁵ The advantage of this concept is that it can help to support a wider policy consensus on

immediate steps, while postponing the difficult (and at this stage largely hypothetical) debate on the conditions that would need to be fulfilled in order to move to complete nuclear disarmament.

Yet many of the issues central to debates on the desirability of moving from the vantage point (or, alternatively, 'minimum deterrence' or 'minimisation point') are also likely to feature in debates on how to get to this intermediate objective, and indeed on what the constituent elements of such a state of affairs should be. It is commonly assumed that a vantage point would have to involve the entry into force of a Comprehensive Test Ban Treaty and an end to the production of fissile material for military purposes, together with deep reductions in US and Russian arsenals and a halt to further nuclear proliferation. But there is less agreement on whether progress on conflict resolution – for example, in relations between NATO and Russia, Israel and its neighbours, India and Pakistan, and/or between China and India – will be a necessary condition for reaching this point, and if so in what ways. The political conditions for the vantage point may not be as difficult to achieve as those for a world entirely free of nuclear weapons. Depending on how such a point is defined, they may still be challenging.

A parallel yet closely related argument exists in relation to the timing of changes in declaratory policy. Conservative commentators are likely to suggest that changes in the deterrent/disarmament balance in declaratory policy must wait until much more progress is made in addressing the political roots of conflict. By contrast, those who advocate a more radical approach emphasise the need for changes in declaratory policy as an integral part of the process of disarmament from a relatively early stage. The ICNND's proposal for a 'minimisation point', for example, includes the goal of reducing global nuclear arsenals to 2,000 (from current levels of around 23,000) by no later than 2025. But it also calls for an agreed 'No First Use' doctrine

⁵ George Perkovich and Patricia Lewis, 'The Vantage Point', paper commissioned by the International Commission on Nuclear Non-Proliferation and Disarmament, January 2009, <http://www.icnnd.org/research/Vantage_Point.pdf>, accessed 16 April 2010.

between the nuclear-armed states, together with force deployments and alert statuses that reflect this doctrine.⁶

Others – who might be dubbed the ‘nuclear reformists’ – do emphasise the need for a ‘global

effort to reduce reliance on nuclear weapons’ (the four US statesmen) or for ‘progressive steps ... to limit the role of nuclear weapons in security policy’ (Margaret Beckett, as UK Foreign Secretary), but notably do not endorse specific proposals for doing so in relation to declaratory policy.⁷

⁶ Gareth Evans and Yoriko Kawaguchi, *Eliminating Nuclear Threats: A Practical Agenda for Policymakers*, Report of the International Commission on Nuclear Non-Proliferation and Disarmament, 2009, pp. xix-xx.

⁷ Shultz et al, *op. cit.* in note 3.

2. The Missing Declaratory Link

This evident reluctance to embrace even modest changes in declaratory policy has left nuclear reformists open to the criticism that they have failed to address one of the central concerns of non-aligned non-nuclear states, namely that the weapons of existing nuclear-weapon states, and in particular those of the three Western nuclear powers and Israel, could be used to coerce them. In some cases, they are also concerned about potential threats from future nuclear-armed states, such as Iran. But the dominant security narrative of most non-aligned states, rooted in their historical experiences of imperialism, remains one of resistance to intervention by the US and its European and Israeli allies, together with continuing concern that those states have failed to rule out the use of nuclear weapons in those interventions. In both the Middle East and the wider Muslim world, governments point to Western tolerance of Israel's nuclear programme, and to a lesser extent that of India, as evidence that their proliferation concerns relate only to regimes which they want to replace, such as Iran, North Korea and Venezuela. The attempt in 2003 to justify forcible regime change in Iraq on the basis of its WMD programmes reinforced this perception.

The non-aligned states welcome the renewed commitment of the nuclear-weapon states to the long-term goal of nuclear elimination. They also lend their support to both the CTBT and a verifiable FMCT, two of the central planks of the Western non-proliferation agenda. But they are more reluctant to support placing further restrictions on non-nuclear NPT states without more progress on disarmament by the nuclear-weapon states. Brazil, for example, continues to refuse to implement the IAEA's Additional Protocol until the nuclear-weapon states have made more progress in implementing their own disarmament commitments.

Moreover, the policy agendas of non-aligned non-nuclear states typically give much greater weight to declaratory policy than to structural arms control (the opposite of the trend in the Western nuclear-weapon states). The Non-Aligned Movement (NAM), representing non-aligned states in the developing world, emphasises the inequalities of the international political order and therefore highlights the differentiation of the NPT in nuclear-weapon states (NWS) and NNWS. It criticises the nuclear states for failing their disarmament obligations on the one hand, while it seeks to strengthen the right to use nuclear technology peacefully for NNWS. It therefore tends to consider structural arms control as a technological and economic restriction, and is concerned that any expansion of non-proliferation instruments could restrict the economic development of NAM countries.⁸ This might be seen by some as a preference for rhetoric over substance. But it also reflects the reality that the current pace of nuclear reductions will leave more than 5,000 nuclear weapons still in existence after full implementation of the US/Russia New START Treaty, with other nuclear-armed powers facing no restrictions for the foreseeable future.

The Sincerest Form of Declaration

It is a diplomatic norm that the sincerest form of declaration is one that is repeated often and at the highest level. So the lack of continuing reaffirmations of existing NSA commitment by senior officials has not inspired confidence amongst NNWS, creating the impression that NSAs are seen primarily as a device for getting the nuclear-weapon states through NPT conferences, rather than as a significant policy driver.

As Lawrence Freedman has argued, the nuclear-weapon states have allowed an 'impression of cynical disdain' to develop, in which they have

⁸ Tanya Ogilvie-White, 'International Responses to Iranian Nuclear Defiance: The Non-Aligned Movement and the Issue of Non-Compliance', *The European Journal of International Law* (Vol. 18, No. 3, 2007), pp. 453–76.

⁹ Lawrence Freedman, 'Nuclear Disarmament: From a Popular Movement to an Elite Project, and Back Again?' in George Perkovich and James M Acton (eds.), *Abolishing Nuclear Weapons: A Debate*, Carnegie Endowment for International Peace, 2009.

insisted that the NNWS follow their own treaty obligations strictly, yet have shown ‘indifference to their own’ through ‘solemn undertakings delivered by junior officials.’⁹

Although it sees itself as the most forward-leaning of the nuclear-weapon states, the UK is not exempt from this suspicion. Over the last four years, UK leaders have made four major statements of policy on nuclear weapons: the 2006 Ministry of Defence/Foreign Office White Paper on Trident renewal;¹⁰ the 2007 speech on ‘A World Free of Nuclear Weapons?’ by then-Foreign Secretary Margaret Beckett;¹¹ the 2009 Foreign Office policy information paper on ‘Lifting the Nuclear Shadow’;¹² and the 2009 Cabinet Office publication, ‘The Road to 2010’.¹³ Yet only one of these documents, ‘Lifting the Nuclear Shadow’, makes any mention of existing Negative Security Assurances, and then only in the context of communicating the UK’s achievements towards global nuclear disarmament.

Second, in addition to concerns over the low salience of NSAs, critics also express concern over the ‘Warsaw Pact clause’, in which the nuclear-weapon states qualified their assurances by stating that they did not apply to an attack ‘carried out or sustained by such a non-nuclear weapon State in association or alliance with a nuclear-weapon State,’ as well making it clear that its assurance would not be applicable ‘if any beneficiary is in material breach’ of its NPT obligations.¹⁴

While such exemptions might have made sense during the Cold War, when the armed forces of non-nuclear East European states were subordinated to

Soviet military commanders, its continuance today reinforces the impression that the commitment lacks real weight. For example, would Burma be exempt if it were to attack US forces using weapons supplied by China or Russia? Or could today’s Iran be disbarred from NSA protection as a result of its NPT material breaches, even if it does not actually possess an operational nuclear arsenal? In practice, a nuclear attack on either state is most unlikely, not least because of the overwhelming conventional superiority of the US. The effect of current NSAs, however, is to strengthen (rather than counter) the impression that the nuclear-weapon states want to keep all their options open.

Third, the non-nuclear states’ perception that the Negative Security Assurances are of limited value has been reinforced by statements that suggest that the nuclear-weapon states retain the right to use their nuclear weapons to deter the use of chemical and biological weapons against them by non-nuclear states. Statements that suggest nuclear weapons can be used in this way have been made by the US, UK and France, in apparent contradiction of their 1995 Negative Security Assurances. For example, in the 2006 White Paper on the future of the UK’s nuclear deterrent, the sentence ‘Ballistic missile technology has also continued to proliferate and most industrialised countries have the capability to develop chemical and biological weapons’ is included in a section entitled ‘Why should we retain our nuclear deterrent?’

The UK is not alone in this apparent disconnect between Negative Security Assurances and statements designed to signal deterrence

¹⁰ Ministry of Defence and Foreign & Commonwealth Office, *The Future of the United Kingdom’s Nuclear Deterrent* (London: The Stationery Office, December 2006).

¹¹ Margaret Beckett, ‘A World Free of Nuclear Weapons?’, Keynote Address, Carnegie International Nonproliferation Conference, Washington DC, 25 June 2007.

¹² Foreign & Commonwealth Office, *Lifting the Nuclear Shadow: Creating the Conditions for Abolishing Nuclear Weapons* (London: The Stationery Office, February 2009).

¹³ Cabinet Office, *The Road to 2010* (London: The Stationery Office, July 2009).

¹⁴ UK NSA given on 6 April 1995. Also see Thomas Bernauer, *Nuclear Issues on the Agenda of the Conference on Disarmament* (New York: United Nations, December 1991), pp. 10-26.

¹⁵ US State Department, Daily Press Briefing, 22 February 2002, <<http://2001-2009.state.gov/r/pa/prs/dpb/2002/8421.htm>>, accessed 9 March 2010.

commitments. If anything, the US has maintained a more marked contradiction in its narratives. This was exemplified, for example, in 2002 by State Department Spokesman Richard Boucher. In the same briefing in which he reiterated the 1995 NSA commitments, he immediately followed this by noting the continuation of the policy stated in 1996 by then-Secretary of Defense William Perry, that if the US was attacked by chemical weapons it 'could have a devastating response without the use of nuclear weapons, but we would not forswear that possibility'.¹⁵

France's position is similar. In a 2006 speech on nuclear deterrence, President Chirac stated that the French response to states who used terrorism or 'weapons of mass destruction' against them could be conventional, or 'of another kind',¹⁶ and the 2008 French defence White Paper declared that the purpose of their nuclear deterrent was to 'prevent any State-based aggression against the vital interests of the nation wherever it may come from and in whatever shape or form'.¹⁷

Weapons of Mass Destruction

The concept of 'weapons of mass destruction' appears to have originated with the Archbishop of Canterbury in 1937.¹⁸ Subsequently, the US/UK/Canada summit in November 1945 issued a 'Declaration on the Atomic Bomb' which referred to the phrase 'atomic weapons and of all other major weapons adaptable to mass destruction'.¹⁹

The same terminology was later used in the first UN Assembly resolution in January 1946.²⁰ The term 'weapons of mass destruction' (WMD) then replaced the older phrase, and in 1948 the UN agreed that:²¹

weapons of mass destruction should be defined to include atomic explosive weapons, radioactive material weapons, lethal chemical and biological weapons, and any weapons developed in the future which have characteristics comparable in destructive effect to those of the atomic bomb or other weapons mentioned above.

While it is generally agreed that nuclear, chemical and biological weapons – all subject to international prohibition treaties – are included in 'WMD', there is less consensus on the inclusion of radiological devices (which feature in CBRN). In 2004, the National Military Strategy of the United States of America even redefined WMD as 'Weapons of Mass Destruction or Effect' (WMD/E), including asymmetrical weapons, which rely on disruptive impact such as terrorism.²²

The reluctance of the three NATO nuclear-weapon states to pledge that nuclear weapons will not be used in response to the use of WMD appears to have deepened since the end of the Cold War. During the confrontation with the Soviet Union, it was widely anticipated that Soviet leaders were

¹⁶ 'Speech by Mr. Jacques Chirac, President of the French Republic, during his visit to The Strategic Air and Maritime Forces at Landivisiau/Lille Longue', 19 January 2006, <<http://www.nuclearfiles.org/menu/key-issues/nuclear-weapons/issues/policy/french-nuclear-policy/PDFs/Chirac,%20Speech%20Delivered%20at%20the%20Strategic%20Air%20and%20Maritime%20Forces%20at%20Landivisiau.pdf>>, accessed 9 March 2010.

¹⁷ Présidence de La République, 'The French White Paper on defence and national security', June 2008, <http://www.livresblancdefenseetsecurite.gouv.fr/IMG/pdf/white_paper_press_kit.pdf>, accessed 9 March 2010.

¹⁸ *The Times*, 'Archbishop's Appeal: Individual Will and Action; Guarding Personality', 28 December 1937.

¹⁹ 'Declaration on Atomic Bomb By President Truman and Prime Ministers Attlee and King', Washington DC, 15 November 1945, <http://www.nuclearfiles.org/menu/key-issues/nuclear-energy/history/dec-truma-atlee-king_1945-11-15.htm>, accessed 9 March 2010.

²⁰ UN Assembly Resolution 1(I), 'Establishment of a Commission to Deal with the Problem Raised by the Discovery of Atomic Energy', VIII Resolution Adopted on the Reports of the First Committee, 24 January 1946, para 5(c).

²¹ UN document S/C.3/30, 13 August 1948. Adopted at the 13th meeting of the Commission for Conventional Armaments on 12 August 1948, reproduced in 'Resolution Defining Armaments', *State Department Bulletin*, 29 August 1948, p. 268.

²² US Joint Chiefs of Staff, *The National Military Strategy of the United States of America*, 2004, <<http://www.defense.gov/news/Mar2005/d20050318nms.pdf>>, accessed 9 March 2010. Also see Seth W Carus, 'Defining "Weapons of Mass Destruction"', Center for the Study of Weapons of Mass Destruction, January 2006.

planning to use their large stockpiles of chemical and biological weapons at an early stage of any European war. Yet these capabilities existed alongside, and in destructive capability did not compare with, the massive nuclear arsenals of the two superpowers.

As US attention turned towards the threat posed by 'rogue states', however, chemical and biological weapons gained new prominence in security debates. In the 1991 invasion of Kuwait, there was serious debate as to whether to threaten to use nuclear weapons in the event of Iraqi deployment of chemical or biological weapons. And the subsequent sanctions regime against Iraq, which lasted from 1991 until 2003, was justified by Iraq's failure to verifiably destroy all its WMD.

Legally Binding Assurances

The reluctance of the nuclear-weapon states to give legally binding Negative Security Assurances is not one of principle. The UK, France and China have all ratified the protocols of the African nuclear-weapon-free zone (NWFZ) created by the Pelindaba Treaty, which came into force in July 2009 prohibiting the twenty-eight ratifying members of the fifty-four African states from the testing, stationing or development of nuclear weapons on their territories. Three of the NWS, excluding Russia and the US who have signed but not yet ratified the protocol, have thus made legally binding commitments to refrain from using, or threatening to use, nuclear weapons

against these twenty-eight states. The Treaty of Tlateleco, which creates a NWFZ for Latin America and the Caribbean, has thirty-three signatories, all of whom are now full parties to the treaty. All five of the NWS have ratified the additional protocols attached to this treaty, giving similarly binding pledges to refrain from using or threatening to use nuclear weapons against parties to the treaty. The Central Asian NWFZ entered into force in March 2009 with all five regional states ratifying. The UK, France and the US, however, have strongly objected to the treaty over issues of potential nuclear weapons stationing (in practice, Russian weapons due to previous security commitments) in these territories, but these states are not opposed in principle to a NWFZ in this region. None of the NWS have yet ratified the security assurance protocol.²³ Similarly, the South-East Asian NWFZ has been signed and ratified by all of its member states, but no NWS has yet ratified the attached protocol. The South Pacific NWFZ entered into force in 1986, and protocols giving Negative Security Assurances to the thirteen member states have been ratified by all nuclear-weapon states apart from the US.

Thus, as of March 2010, the UK, France and China have already made legally binding NSAs to eighty-four states, Russia to forty-six states, and the US to thirty-three state parties to nuclear-weapon-free zones, although the US recently pledged to ratify the South Pacific and African NWFZ annexes. If all members ratify the Treaty of Pelindaba, and resolution of outstanding

Table 1: Participation of nuclear-weapon states in international nuclear-weapon-free zones (NWFZ)

	China	France	Russia	UK	US
African NWFZ	Ratified	Ratified	Signed but not ratified	Ratified	Signed but not ratified
South Pacific NWFZ	Ratified	Ratified	Ratified	Ratified	Signed but not ratified
Latin American and Caribbean NWFZ	Ratified	Ratified	Ratified	Ratified	Ratified

²³ Arms Control Association, 'Nuclear-Weapon-Free Zones at a Glance', <<http://www.armscontrol.org/factsheets/nwzfz>>, accessed 9 March 2010.

issues allow the nuclear-weapon states to ratify protocols attached to the Central Asian and South East Asian, as well as the South Pacific and Latin America and Caribbean nuclear-weapon-free zones, legally binding Negative Security Assurances could be extended to 112 states.

These legally binding assurances are very similar to those given to the NNWS of the NPT. In the UK's case, ratifications since the declarations to the UN in 1995 have repeated the exemptions made in relation to states acting in alliance with nuclear-weapon states and states in 'material breach' of the NPT, and ratifications of such protocols by France since 1995 have been coupled with a statement that the guarantees do not apply to states that are not parties to the NPT.

However, ratification has not been conditional on universal adherence to the Chemical Weapons Convention (CWC) or Biological and Toxin Weapons Convention (BTWC) in these regions. Of the eighty-four countries that are full members of NWFZs to which the UK, France and China are ratified adherents, eighteen have still not ratified the BTWC. Of the potential 112 members of existing NWFZs to which legally binding NSAs could be applied, non-ratifiers of either the BTWC or CWC include potentially significant states such as Egypt, Somalia, Kazakhstan and Burma.

Most of the non-nuclear states not covered by legally binding assurances are in the two regions that have nuclear-armed states that are not NPT signatories: South Asia and the Middle East. Two of the states in South Asia – India and Pakistan – possess growing nuclear arsenals, and the possibility

of conflict between them remains significant, as does the possibility conflict between China and India. There is also some potential for NNWS – such as Bangladesh and Nepal – to be sucked into such conflicts as allies or battlegrounds. Credible NSAs by the three nuclear-armed states in the region, therefore, might be of some value.

Yet the bulk of the remaining states not subject to NSAs are in the Middle East. Proposals for a Middle East NWFZ became a key part of the settlement that allowed the unanimous approval of indefinite NPT extension in 1995. There is continuing debate as to the conditions under which it can be taken forward. It is hard to see much progress in this direction, however, until all the major states in the region – including Iran – are willing to take part in direct negotiations with Israel, and recognise its right to exist as a state.

No First Use

In parallel to the long-running debates on NSAs and NWFZs, there has been a separate (but just as long standing) debate about whether or not nuclear-weapon states should declare that they would never be the first to use nuclear weapons in a conflict with another nuclear-armed state. Of the five recognised nuclear-weapon states, China is the only one that has a no first use (NFU) policy, a position that it has maintained since it tested its first nuclear weapons in 1964, and one that continues to provide it with significant diplomatic credit from NNWS. In addition, India has recently indicated its support for a multilateral NFU agreement, but still retains the option of using nuclear weapons to respond to a chemical or biological attack.²⁴

During the Cold War, faced with perceived Soviet

²⁴ Keynote Address by Nirupama Rao, Foreign Secretary of India at the 3rd MEA-IISS Seminar, 'Perspectives on Foreign Policy for a 21st Century India', London, 22 February 2010, <<http://www.iiss.org/programmes/south-asia/conferences-and-seminars/iiss-mea-foreign-policy-dialogue/third-iiss-mea-dialogue/nirupama-rao-address/>>, accessed 16 March 2010. India offered Pakistan a NFU bilateral agreement in 1998, which they have repeated since then: Embassy of India, Washington DC, 'Evolution of India's Nuclear Policy, 27 May 1998, <<http://www.indianembassy.org/pic/nuclearpolicy.htm>>, accessed 7 May 2010. India released a draft of a nuclear doctrine in 1999, where they stated a NFU policy in relation to NNWS: Embassy of India, Washington DC, 'Draft Report of National Security Advisory Board on Indian Nuclear Doctrine', 17 August 1999, <http://www.indianembassy.org/policy/CTBT/nuclear_doctrine_aug_17_1999.html>, accessed 7 May 2010. See <<http://www.pugwash.org/reports/nw/nw7.htm>> for comments.

²⁵ Morton Halperin, 'A Proposal for a Ban on the Use of Nuclear Weapons', Studz Memorandum No. 4, Special Study Group (Washington, DC: Institute of Defense Analyses, 6 October 1961).

conventional superiority in Central Europe, NATO military doctrine relied on possible first use of nuclear weapons in order to deter Soviet aggression. As Soviet nuclear retaliatory capability grew, NATO sought to maintain the credibility of this doctrine through increasing emphasis on conventional forces. As late as 1991, however, NATO maintained more than 2,000 nuclear weapons in Europe, many of them close to the likely frontline in a war with the Warsaw Pact. All three NATO nuclear-weapon states – the US, UK and France – remained strongly committed to retaining a first use option.

As early as the 1960s, however, there has been support within the US for a policy of NFU.²⁵ And in 1983, former US Defense Secretary Robert McNamara argued that because of the nuclear balance between the US and the USSR, and the high chance that some weapons would survive any first strike, he could not envision ‘any US President, under any circumstances, initiating a strategic strike except in retaliation against a Soviet nuclear strike’.²⁶ This reconfirmed the statement he had made months earlier as a member of a group of distinguished US statesmen, who had suggested in spring 1982 that ‘nuclear weapons will not be used unless an aggressor should use them first’.²⁷

Their argument was, however, rejected by four comparably eminent German experts. Though these experts agreed that the dependency on the first use option should be reduced, they raised the concern that abandonment of the strategy of flexible response might lead to increased Soviet risk-taking, making a conventional war in Europe more likely. Under the conventional war scenario, both the Soviet Union and the US would no longer be confronted with a threat to their own territories. The Germans were concerned that their own country would be exposed to a greater risk of

a Soviet conventional attack as a result, and they argued that the suggestion by the American ‘Gang of Four’ amounted to a US withdrawal option from its European commitment, which would ultimately diminish German and European confidence in the Atlantic alliance.²⁸

Today, support for NFU appears to be growing again in the US.²⁹ Credible reports suggest that it was given serious consideration in the 2010 Nuclear Posture Review. The 2009 Evans/Kawaguchi Commission also discussed the issue, and proposed that the nuclear-armed states should agree to make NFU declarations by 2025.³⁰ The primary supporting argument is that it is hard to think of any circumstances in which it would be rational to use nuclear weapons first against a nuclear-armed opponent, given the risks of retaliation. Nor is the threat of such an option necessary for the US and its allies, given their massive conventional superiority. Moreover, it is argued, the retention of the option of using nuclear weapons in order to deter non-nuclear threats undermines the credibility of commitments to the goal of a nuclear weapon-free world.

In recognition of the entrenched opposition to NFU in the three Western nuclear-weapon states, some have argued instead for a statement that the ‘sole purpose of nuclear weapons is to deter others from using them.’ This appears to be intended to leave open the possibility of nuclear first use in circumstances where a nuclear attack is believed to be imminent, with the purpose of reducing the damage that an opponent could then inflict. While such a doctrine would greatly reinforce existing US NSAs, therefore, it could leave open the retention and development of potentially destabilising capabilities for ‘first strike’ against other nuclear-armed states.

²⁶ Robert S McNamara, ‘The Military Role of Nuclear Weapons’, *Foreign Affairs* (Vol. 62, No. 1, Fall 1983), p. 67.

²⁷ McGeorge Bundy, George F Kennan, Robert S McNamara, and Gerard C Smith, ‘Nuclear Weapons and the Atlantic Alliance’, *Foreign Affairs* (Vol. 60, No. 4, Spring 1982), p. 754.

²⁸ Karl Kaiser, George Leber, Alois Mertes and Franz/Josef Schulze, ‘Nuclear Weapons and the Preservation of Peace’, *Foreign Affairs* (Vol. 60, No. 5, Summer 1982), pp. 1157-70.

²⁹ See, for example, Scott Sagan, ‘The Case for No First Use’, *Survival* (Vol. 51, No. 3, 2009), pp. 163-82.

³⁰ Gareth Evans and Yoriko Kawaguchi, *op. cit* in note 6.

Declaratory Policy and Disarmament

There is wide agreement that the achievement of the ultimate objective of a nuclear weapon-free world will require settlements of the world's most intractable conflicts (especially in South Asia and the Middle East), together with a much higher level of security co-operation between the world's major powers (including the US, Russia, China and India). There is much more disagreement on how far the process of moving to a vantage point can proceed in the absence of these conditions. For those who favour a more radical approach, the long-term commitment to complete disarmament needs to be given short-term credibility through substantive steps towards minimising the role of nuclear weapons, even in the absence of conflict transformations. A 'radical vantage point', therefore, would require most nuclear-weapon states to adopt strong NSAs and NFU. For more traditionalist thinkers, by contrast, major

improvement in the international security situation would be a precondition for reducing the extent to which nuclear weapons retain a central deterrent role. A 'traditionalist vantage point' would put much more weight on deterrence, including the possible role of nuclear weapons in deterring WMD threats, and indeed war more generally. As the recent debate on the US NPR illustrated very clearly, the extent to which changes in declaratory policy should be a key component of the vantage point remains deeply contested. As a result, those who have a 'centrist' concept of the vantage point emphasise other elements of the arms control agenda (such as New START, CTBT and FMCT), and tend to say very little about declaratory policy. It remains to be seen, however, whether this effort to maintain as wide a consensus within the Western policy elite could ultimately be in conflict with efforts to convince other key states that the US is serious about seeking to change.

3. A Contradiction in Norms

Many 'realist' scholars are sceptical about the proposition that, in the event of a war serious enough to involve the use of nuclear weapons, declaratory policy would act as a serious determinant of national actions. In a crisis, they argue, states would be neither more nor less likely to threaten to use nuclear weapons simply because of what had been said in peacetime.

Yet twentieth-century history suggests that peacetime commitments have made a real difference even at moments of existential crisis. The UK's long-standing commitment to the neutrality of Belgium, together with the recent intensification of military co-operation with France, played a key role in its fateful decision to declare war on Germany in August 1914. Alliance commitments – this time to Poland – also acted as a trigger for war in September 1939, despite a widespread expectation of massive and immediate counter-city bombing. Calculations of UK national interest were important, but the definition of that interest attributed a high value to the necessity of maintaining a reputation as a country that kept to its promises, as well as a belief in the importance of collective security. Without these normative elements, it is doubtful whether a strictly realist calculation of national interest would have persuaded the British Empire that its prospects for survival would not have been better if it had pursued a policy of armed neutrality.

Commitments and norms have played an even more central role in the security policy of the three Western nuclear-weapon states since 1945. Their alliances in Europe (through NATO), and between the US and other powers (with Australia, Israel, Japan, Saudi Arabia and South Korea) are now more firmly established than anything that existed in the pre-1939 world. Any attempt to challenge a member of one of these alliances by military force would pose a reputational challenge to the

US, and to the UK and France in relation to NATO, that would far exceed any immediate cost/benefit calculus. As a consequence, alliance commitments – even, potentially, nuclear commitments – do not necessarily lack credibility.

The twentieth century also suggests that norms and commitments can affect what weapons are used in conflict. For example, while chemical weapons were widely used in the First World War, none of the major powers used them in Europe during the Second World War, despite some occasions (for example, in deterring the Normandy landings) when they might have had a useful military role. Mutual deterrence clearly played an important role in preventing further escalation of a conflict that was so murderous and unrestrained in other respects. Yet some analysts argue that normative constraints, developed over time, also played a role in shaping the choices that military leaders were willing even to put on the agenda.³¹

There is practical precedent, therefore, for suggesting that declaratory policy (including both alliance responsibilities and normative constraints) might have a role to play in shaping decisions as to when or whether to use nuclear weapons.

In contrast to the case of chemical weapons, however, the nuclear declaratory policy of the major powers is profoundly ambiguous. On the one hand, nuclear weapons have never been used since 1945, constituting a powerful tradition of non-use.³² And successive US presidents (and other leaders) have consistently rejected the use of such weapons in war, for example as a possible response to Iraqi use of chemical weapons in the 1991 and 2003 wars. As a result, the reputational consequences of future use have continued to rise, together with the perceived political costs – domestic and international – of being the first

³¹ Jeffrey W Legro, *Cooperation Under Fire: Anglo-German Restraint During World War II* (Ithaca, NY: Cornell University Press, 1995).

³² T V Paul, *The Tradition of Non-Use of Nuclear Weapons* (Stanford: Stanford University Press, 2009).

³³ For example, see Tim Hare, 'Nuclear Policy at Sea: A Part-Time Deterrent Will Not Do!', *RUSI Journal* (Vol. 154, No. 6, December 2009), pp. 54-58; and Desmond Bowen, 'Deterrence and Disarmament in the UK', *Survival* (Vol. 52, Issue 1, February 2010), pp. 11-16.

country to use these weapons. In the UK, for example, it is common to hear senior politicians and officials repeating the mantras that these weapons are for ‘deterrence, not use’ and that it is a ‘political’ weapon rather than a ‘military’ one.³³

This strengthening norm against the use of nuclear weapons has been reinforced by wider trends towards discrimination and proportionality in military operations. When nuclear weapons were dropped on Japanese cities in 1945, their use was the culmination of years of aerial bombardment of cities throughout Europe and Asia, in which the lives of millions of non-combatants were lost. Today, by contrast, the minimisation of collateral damage is a central component of Western declaratory, and indeed operational, policy. The UK, along with most developed countries, has been a strong supporter of bans on anti-personnel landmines and cluster munitions, the purposes of which has been the reduction of civilian casualties. The contrast with policy towards the use of nuclear weapons remains a striking example of apparent cognitive dissonance. It echoes the remarkable Carter/Thatcher summit of 1979, when President Carter approved the sale of Trident missiles to the UK at the same time as refusing to support the supply of small arms to Northern Ireland because of human rights concerns in relation to the Royal Ulster Constabulary.³⁴ Then, as now, the difference has been reconciled on the basis that nuclear weapons are for ‘deterrence, not use.’

Set against this hardening tradition of non-use, however, is a historical record suggesting that

the nuclear powers have seriously considered the use of nuclear weapons on several occasions. Because of the openness of its political system, there is more information available in relation to the US where serious consideration was given to nuclear use against China (in the Korean War and in subsequent crises in the 1950s), during the Cuban missile crisis, and (to a lesser extent) in Vietnam. There have also been unsubstantiated reports that French President Francois Mitterrand believed that UK Prime Minister Margaret Thatcher told him that she might have to use nuclear weapons against Argentina unless France were to supply the UK with the codes to the weapons that it had supplied to Argentina.³⁵ Israel appears to have been prepared to use its nuclear forces in the event of an Egyptian military breakthrough in 1967, and Pakistan’s leaders may have done the same if India had threatened to invade its heartland in 2002. Most recently, the serious possibility (at Vice-President Cheney’s urging) that the US could have attacked Russia’s invasion force during the Georgia crisis of August 2008 illustrates how rapidly crises between nuclear-armed states can still escalate.³⁶ If the US had followed Cheney’s recommendation at that time, it might not have been long before Russian leaders were considering whether to threaten the use of nuclear weapons to offset US conventional superiority. It is an example, of course, that illustrates why the very existence of nuclear weapons induces considerable caution whenever crises involving major nuclear powers erupt. But it is also entirely consistent with a declaratory policy stance – especially in conventionally-weak states such as Russia – which retains the option of nuclear

³⁴ ‘Cold War: Carter letter to Schmidt & Giscard (selling Trident to UK)’, 11 July 1980, Archive, Carter Library, declassified 1999, <<http://www.margarethatcher.org/document/B101205FF20344B689178F57BC0BEB95.pdf>>, accessed 16 March 2010; United Nations – Treaty Series, Vol. 1212, 1-19531, United Kingdom of Great Britain and Northern Ireland and United States of America, ‘Exchange of notes constituting an agreement concerning the acquisition by the United Kingdom of the Trident weapons system under the Polaris Sales Agreement signed on 6 April 1963, Washington DC, 30 September 1980, <http://untreaty.un.org/unts/60001_120000/6/1/00010013.pdf>, accessed 16 March 2010; *BBC News*, ‘Files show US-UK tensions over Northern Ireland in 1979’, 30 December 2009.

³⁵ John Follain, ‘The Sphinx and the curious case of the Iron Lady’s H-bomb’ *Sunday Times*, 20 November 2005. This report is based on an account provided by President Mitterrand’s psychoanalyst, Ali Magoudi, who reports on a meeting with Mitterrand soon after HMS *Sheffield* had been sunk by French-supplied missiles. There have also been reports that some UK missile submarines were deployed to the South Atlantic during the crisis.

³⁶ Gideon Rachman, ‘Did Dick Cheney want to start a war with Russia?’, *Financial Times blogpost*, 19 February 2010.

³⁷ Ministry of Defence, *Adaptability and Partnership: Issues for the Strategic Defence Review*, February 2010, p. 29.

use to deter a wide range of perceived threats to national interests.

The willingness to threaten nuclear weapons in order to deter a wide range of threats has also been a consistent theme of Western declaratory policy. The UK, for example, retains a nuclear force 'designed to deter and prevent nuclear blackmail and acts of aggression against our national interests that cannot be countered by other means.'³⁷

In practice, the circumstances in which nuclear-armed states would seriously contemplate nuclear use are probably much narrower than this ambiguous formulation might suggest. Yet, for those who emphasise the centrality of deterrence in declaratory policy, that is precisely the point. 'Realists' might suggest, for example, that it was

never plausible for the US and UK to threaten to use nuclear weapons first against the Soviet Union, since it would have exposed their own homelands to Soviet retaliation. But nor is it possible to show that the threat to do so – through the 'nuclear umbrella' over NATO's non-nuclear allies – did not have a deterrent effect. The Soviet Union would probably never have invaded Western Europe even if nuclear weapons had never existed. And there were many other reasons why, after 1945, Europe was able to enjoy its longest ever period of peace and prosperity. Yet the commonly held belief that nuclear weapons have kept the world largely free from Great Power war, conventional or nuclear, is itself a political reality. It is this historic experience that, above all, continues to explain the widespread reluctance to endorse rapid movement towards complete nuclear disarmament.

4. The Pervasiveness of Nuclear Deterrence...

Advocates of a more restrictive approach to nuclear declaratory policy also have to confront two further phenomena that fundamentally distinguish nuclear weapons from other weapons subject to international taboos. In the first place, nuclear weapons are now a much more pervasive feature of national security policies, with nuclear-armed states (together with those covered by nuclear ‘umbrellas’) representing almost 60 per cent of the world’s population and more than 80 per cent of world GDP.³⁸ Secondly, there is concern that new declaratory policies will undermine further the credibility of deterrence while it continues to play a central role in the security of states. Instead, many argue, efforts need to be made to restore deterrence credibility through pursuing a range of more flexible nuclear options.

While nine states are believed to possess nuclear weapons, 184 do not, having acceded to the NPT as NNWS. Yet this stark difference greatly understates the pervasiveness of nuclear weapons in international relations, or the extent to which – in stark contrast to chemical and biological weapons – the acknowledged nuclear weapons are also in the world’s most powerful states. It is well known that the five permanent members of the UNSC are also the five recognised nuclear-weapon states in the NPT. But it is also noteworthy that, of the nineteen countries that are members of the G20, six possess nuclear weapons and another seven (Australia, Japan, South Korea and four NATO member states) are nuclear-supported US allies. Of the remaining six (Argentina, Brazil, Indonesia, Mexico, Saudi Arabia and South Africa), only one – Mexico – has never seriously considered a nuclear weapons option. The NPT may have played an important role in dissuading this latter group from becoming nuclear-weapon states. But the sheer cost of nuclear weapons programmes has been

just as important a factor in keeping most of the world’s smaller economies in the non-nuclear camp.

...and its Incredibility

Many of those who believe that nuclear weapons have helped keep the peace since 1945 base this belief on the argument that the prospect of nuclear war is so clearly awful that even a small risk of their use is sufficient to deter nuclear-armed states from escalation during crises with such states. Advocates of this so-called ‘existential’ analysis of deterrence are relatively relaxed about the signals sent by declaratory policy, as they are about the size, structure and operational readiness of nuclear forces. Provided that some minimum level of capability is maintained, they argue, nuclear deterrence is primarily a description of reality.

By contrast, the dominant trend in thinking in strategic force planning, at least in the US and Russia, has been to assume that a ‘minimum deterrent’ posture is not enough, especially when faced with a nuclear-armed opponent. Since the Soviet Union achieved a significant retaliatory capability in the 1960s, US defence planners have been concerned that the deterrence credibility of its nuclear force would be fundamentally undermined if its leaders could not be presented with use options that did not necessarily involve mutual annihilation. As a result, they have sought ways to achieve escalation dominance over potential opponents, investing in a range of conventional and nuclear capabilities that give the US the ability to inflict damage on an opponent while limiting damage on itself.

The core of these capabilities has been the development of counter-force nuclear capabilities,

³⁸ Calculation based on World Bank Ranking Tables (new estimates for 2008 posted 1 July 2009), <<http://web.worldbank.org/>>, accessed 15 March 2010.

able to destroy enemy strategic forces before they can be used. As technological possibilities expand, however, non-nuclear capabilities have played a growing role in underpinning efforts to achieve some degree of nuclear superiority. These have included strategic anti-submarine warfare capabilities, missile defence systems and capabilities for conventional strikes against an enemy's command and control and nuclear-related infrastructure. This combined capability, it is hoped, will convince a potential enemy that it has more to lose than the US if it chooses to threaten the US's vital interests. By contrast, if the US's sole nuclear option is to threaten mutual annihilation, then the US is much more likely to be self-deterred.

Advocates of a counter-force approach for the US also argue that it is not credible to threaten to destroy enemy cities in response to the use of nuclear weapons by conventionally inferior opponents against US military targets, such as overseas bases or carrier groups. As Keir Lieber and Daryl Press argue:³⁹

During recent wars, the United States has labored to minimize enemy civilian casualties. It is hard to believe that Washington would reverse course and intentionally slaughter hundreds of thousands of civilians, especially if no US or allied city has been destroyed.

Instead, Lieber and Press argue that the US must retain the ability to respond to nuclear threats, or to a limited nuclear strike, by a counter-force attack against enemy missile silos and bomber bases. Such a counter-force strike, conducted with a mix of nuclear and conventional forces, could greatly reduce the damage to the US from further nuclear strikes and/or open the door to invasion or regime change.⁴⁰ They also argue that counter-force attacks, using low-yield airbursts, need not

involve high levels of civilian casualties. Using a Department of Defense computer model, they estimate that a US nuclear attack against China's ICBM field might lead to as few as 700 fatalities. Casualties might be even lower were conventional forces to be used in such an attack.⁴¹

These efforts to maintain the credibility of the US's nuclear deterrent have a powerful internal logic but they take insufficient account of likely reactions by other countries (for example, the deployment of road-mobile missiles and increased alert levels).⁴² At the same time, the likelihood of such an action-reaction dynamic makes efforts to achieve a stable vantage point through arms control much more difficult. For the more important the perceived balance of nuclear capabilities, and the more that efforts are made by the nuclear-weapon states to improve their relative position, the more difficult that successful disarmament negotiations become.

Concerns over relative capabilities and first strike 'windows of vulnerability' bedevilled attempts at US/Soviet strategic arms control, even when nuclear arsenals were larger and counter-force technologies (nuclear and conventional) were much less advanced than they are today. If considerations of relative nuclear capability were also to play a role in shaping the calculations of today's nuclear-armed states, the prospects for achieving a stable vantage point would be much reduced.

Not least, for the purposes of this paper, a desire to maintain a range of counter-force options could constrain states' willingness to make declaratory statements that might constrain their nuclear use options in a future crisis, and thereby their ability to deter such a crisis from occurring in the first place. This may explain, for example, why some commentators have recently made a distinction

³⁹ Keir A Lieber and Daryl G Press, 'The Nukes We Need', *Foreign Affairs* (Vol. 88, No. 7, November/December 2009).

⁴⁰ *Ibid.*

⁴¹ *Ibid.* For discussion of the Lieber and Press article, see 'Second Strike', *Foreign Affairs* (Vol. 89, No. 2, March/April 2010), pp. 145-52.

⁴² James Acton, 'Managing Vulnerability', *Foreign Affairs* (Vol. 89, No. 2, March/April 2010), pp. 146-48.

between a declaratory policy of 'No First Use' and one which states that the 'sole purpose' of nuclear weapons is to deter their use. On one interpretation, this is 'essentially the same idea'.⁴³ But there is a critical difference, insofar as a 'sole purpose' declaration would allow states to use their nuclear weapons to pre-emptively destroy

the nuclear forces of an opponent if it was believed that they were being prepared for use against it. In some policy discussions, this option has been labelled as a 'no first strike' declaration. Since this label is so directly opposite to what it describes, it may well earn itself an honoured place in the nuclear lexicon.

⁴³ Perkovich and Lewis, *op. cit.* in note 5, p. 173.

5. Audience Diplomacy

The main arguments for a more restrictive declaratory policy are that it would: firstly, acknowledge that any use of nuclear weapons would be a disaster of historic proportions, and that it is therefore vital that the tradition of non-use be maintained; secondly, help reassure non-aligned NNWS that states who have nuclear weapons will not exploit their status in order to gain strategic advantage over them; and thirdly, help ease the transition towards a 'vantage point' of stability between the nuclear-armed states, in which the role of nuclear weapons in security policy is significantly reduced.

Yet these important objectives can often be at odds with the continuing pressure to demonstrate that nuclear deterrence remains credible in the eye of the main intended recipient of deterrent messages, namely states that one wants to deter. And, given the deep roots that nuclear weapons have now established in the architecture of international security, the challenges of moving in a different direction should not be underestimated. The adoption of a more restrictive approach to declaratory policy would not simply be a technical adjustment to obscure diplomatic documents. It would constitute one of the most visible indications of nuclear-armed states' commitment to move towards a world of much greater nuclear restraint, as envisaged in vantage point proposals. It would also have significant implications for official doctrine on how deterrence signalling works, and on how nuclear forces are configured and deployed.

The difficulty involved in balancing the roles that declaratory policy can play in both deterrence and reassurance thus lies at the heart of the debate about the way forward. Yet national perspectives on how this balance should be struck vary considerably between, and even within, countries. Even within the three main groups of countries (nuclear-armed states, non-nuclear allies, and non-aligned non-nuclear states), differences are considerable.

The P3 Nuclear-weapon states and Declaratory Policy

A central, but not sufficient, condition for success in efforts to move to a vantage point is leadership by the United States. The US is by far the world's most powerful state, with massive superiority in conventional forces reinforced by a global network of alliances and formidable 'soft power' advantages. If it were to give strong support for movement towards a vantage point, including associated moves in declaratory policy, other states would undoubtedly take this effort very seriously indeed.

As the discussion leading up to the recent NPR demonstrated, however, advocates of change faced considerable resistance within the US security establishment to making more radical changes in declaratory policy. There was concern, in particular, that anything restricting the circumstances in which US nuclear weapons might be used could weaken deterrence. This manifested itself in opposition to unconditional NSAs to all non-nuclear-weapon states (which could undermine efforts to deter the use of CBW), and to a NFU pledge (which would, for example, have ruled out pre-emptive attacks on enemy WMD facilities in times of crisis).

Advocates of the status quo also emphasised the unique nature of US extended deterrence responsibilities. Given the asymmetry of stakes that exists when the US is engaged in war far from home, the credibility of US deterrence (conventional and nuclear) depends on its ability to threaten to prevail at relatively low cost in US casualties. Otherwise, it is argued, hostile states could deter US intervention – including deployment in support of regional allies – by threatening to escalate. The threat that the US might use its superior conventional forces to enforce regime change might be enough to dissuade such states from the use of WMD. But it might not. As a consequence, it is argued, the US should not take steps that might allow a future opponent to further discount the possibility that it might use its nuclear weapons.

Yet, given almost seventy years since the use of nuclear weapons, reinforced by strengthening

norms against civilian casualties, the circumstances in which US nuclear threats might have real deterrent effect are actually very limited. As in nuclear allies France and the UK, US state policy on declaratory policy needs to be played out in a public democratic arena dominated by deep-rooted, and relatively stable, security narratives. But these narratives are shaped by national experiences as much as by contemporary strategic reality.

In the UK, for example, public debate on NFU could all too easily revert into discussion of a 1940-based scenario, in which the UK was standing alone against a conventionally superior opponent, with the nuclear deterrent – like the RAF in the Second World War – all that remained to stop an invasion. In the UK (in contrast to France, and as a result of their differing twentieth-century experiences), there is, however, also a strong body of opinion that believes that a close nuclear relationship with the US is more important than strategic independence. As a result, a US move towards a more restrictive declaratory policy would probably soon be echoed by the UK.

In France, by contrast, the historical experience of defeat and occupation runs very deep in national security culture. France does not want to abandon efforts at a P3 consensus, so therefore it will remain the most reluctant of the three to make radical steps towards nuclear disarmament. This was manifested most recently in the 2009 UNSC debate, in which France worked hard, with some success, to water down the language on disarmament in the final resolution.⁴⁴

Despite these differences at the margins, however, the declaratory policies of all three Western nuclear-weapon states are shaped, not only by the requirements of homeland defence, but also – and even perhaps primarily – by commitments to protect their foreign policy interests in regions (including the Middle East) where nuclear weapons and other WMD are increasingly present.

The Other Nuclear-Armed States

The security policies of other nuclear-armed states, by contrast, are less oriented towards power projection at present, and do not have military commitments to distant allies. Russia's ability to project power globally is much less than it was during the Cold War, and China and India are also still focused on their immediate neighbourhoods (although this may well change). The nuclear forces of both Pakistan and Israel are focused on deterring existential threats from larger neighbours to their vulnerable homelands.

The declaratory policy stances of these other acknowledged nuclear-armed states largely derive from these security fundamentals. China is a strong advocate of NFU, while India has been an inconsistent supporter. Russia and Pakistan, by contrast, are fearful of aggression by conventionally stronger opponents (NATO and India), and both are therefore reluctant to give up the option of first use. Russia is also concerned that the US is seeking to use investment in missile defence and conventional strike capabilities to undermine its second-strike capabilities.

Non-Nuclear Allies (NNA) and Declaratory Policy

Japan and Germany are two of the world's largest economic powers, currently occupying second (soon to be third) and fourth positions in the international GDP league table. They remain key, if often underestimated, 'swing voters' in international diplomacy. Even without permanent seats on the UNSC, their economic power means that they are both crucial and necessary for efforts to build coalitions for improved international regimes, including on the nuclear issue.

The place of these two countries in the international system is still largely based on the order established in the aftermath of the Second World War. This order established conditions under which Germany and Japan could be rehabilitated as prosperous, but demilitarised, powers. Indeed, the post-war settlement has been so successful in helping to transform their strategic cultures that, even today,

⁴⁴ William Potter, *In Search of the Nuclear Taboo*, IFRI Security Studies Center Proliferation Papers, 2010, p. 21.

both remain much more reluctant than their peers to take part in overseas military interventions. The combination of US extended deterrence guarantees and the commitments enshrined in the NPT played a key role in solidifying the non-nuclear commitments that both the Federal Republic of Germany and Japan had already made. But the roots of the non-nuclear status of both countries are found in a strong anti-militarist domestic political consensus, itself a result of the outcome of the Second World War.

The importance of German and Japanese anti-nuclearism to aspirations for reducing the role of nuclear weapons in security policy has been clearly demonstrated in recent months. In the run-up to the 2010 Nuclear Posture Review, supporters of a more cautious approach argued that a more radical US policy might lead to an undermining of the credibility of extended deterrence amongst key allies. In practice, however, the governments of both countries have strongly welcomed President Obama's efforts to highlight the goal of a nuclear weapons free world. The new centre-right German government, elected in 2009, has argued within NATO for a withdrawal of remaining US tactical nuclear weapons from Europe. And the new Japanese government has made clear that it has no objection to the withdrawal of nuclear-armed cruise missiles from the US arsenal, despite the argument of the US Congressional Strategic Posture Commission that these weapons were needed to support extended deterrence. These stances have undoubtedly helped to bolster the arguments of those within the US who have also been pressing for the withdrawal of these weapons.

The historic roots of German and Japanese anti-nuclearism are unique. But their more cautious approach to the use of military force is shared to a considerable extent by most other developed OECD countries, including Australia, Canada and the majority of European states. Even the UK and France, which remain the European states most willing to invest in military capability, have seen a marked reduction in the size of their armed forces, and the budgetary priority they give to defence since the end of the Cold War.

There is an ongoing argument as to whether these trends are a result of the US security umbrella, or whether they might have taken place in any event as a result of the wider diminution of inter-state war as a tool of policy. The answer to that question is not relevant at present. Were the US security umbrella to weaken in future, however, it could do so in quite profound ways.

While the cautiously anti-nuclear orientation of Germany and Japan is shared by most of the US's other non-nuclear allies, however, NATO member states closer to Russia tend to be more hawkish on nuclear issues, as well as being more concerned to ensure that US extended deterrence guarantees are not weakened.

This may also be true for some of the US's closest 'friends' in the Middle East, even if they are not formal 'allies'. Were Iran to obtain a nuclear force, for example, it is possible that Arab states such as UAE and Saudi Arabia would seek an explicit nuclear guarantee from the US. At the same time, these states may also be reluctant to enter too deeply into a US-led alliance system without progress on resolving their concerns over Israel. In this respect, America's 'friends' in the Arab world share the concerns of the NAM states.

Non-Aligned Non-Nuclear States (NANN) and Declaratory Policy

This group includes all of the 118 members and 17 observer countries of the Non-Aligned Movement (NAM), excepting only nuclear-armed China, India, Pakistan and North Korea. It constitutes two-thirds of the UN's membership, and almost all of the countries of the developing world. Getting NANN countries on board is crucial for the broader international legitimacy of P3 policies on non-proliferation and disarmament, as it is for a range of other international regimes.

The main characteristic that these states hold in common – and what unites them most – is their common historical experience of European colonialism, with many only gaining their independence in the 1950s or '60s. As a consequence of this experience, together with their continuing

economic weakness and political fragility, NANN governments are strong supporters of the principles of sovereignty and self-determination enshrined in the UN Charter. They are concerned that recent US military interventions could set a precedent for future attempts at forcible 'regime change'. In some cases, they also worry that the US or Israel might use its nuclear force to exert leverage over NNWS.

Not least, members of this group express strong opposition to the perceived 'double standards' in the current international non-proliferation order. There is a widely held view that the nuclear-weapon states must do more on disarmament if they want the NNWS to endorse more stringent restrictions on proliferation. Iran's anti-imperialist rhetoric strikes a chord in countries as varied as South Africa, Malaysia and Brazil. Even Turkey, despite continuing to be a NATO member, has shown signs of moving more towards a non-aligned stance, and has been notably reluctant to support the US/EU push for sanctions against Iran. Turkish Prime Minister Recep Tayyip Erdogan made a common NAM argument when he recently pointed out that 'although Iran doesn't have a weapon, those who say Iran shouldn't have them are those countries which do'.⁴⁵ Brazil has made clear that it will not agree to more intrusive inspections (through the IAEA Additional Protocol) without more progress towards nuclear disarmament by the nuclear-weapon states.⁴⁶

If the US and its NATO allies were to signal that they were making a determined effort to reduce the role of nuclear weapons in their security policy, it might well make a difference to the thinking of this second 'swing group' of states. Key countries in this group believe that the nuclear-weapon states have failed to deliver on the disarmament promises

made in 1995 and 2000. But if the US were now to signal a clear shift towards more restrictive NSAs, as well as signalling other steps towards fulfilling President Obama's Prague aspirations, their scepticism may begin to be tempered. At the same time, however, most states in this group will continue to be concerned by any signal that a more 'progressive' US nuclear policy was simply a means of making military interventions safer for the world's superpower.

Thinking before Talking

Any changes in declaratory policy therefore need to be presented in a manner that is conscious of the need to appeal to a range of different audiences. For success in achieving their objectives is likely to depend as much on the process by which changes are developed and communicated as by the specific formulations used. As a result, it may be best to proceed on a gradual basis, building wide support at each stage rather than seeking radical alterations in national declaratory policy before such support has been built. If aspirations for movement towards a vantage point or 'nuclear restraint regime' are to be meaningful, there will have to be some change in the current declaratory policies of most nuclear-weapon states. But these changes need not be as radical as those required for complete nuclear disarmament, and can continue to recognise a deterrent role of nuclear weapons.

A gradual process will also allow the relationship between changes in declaratory policy and in other areas of policy to be carefully considered. For example, first-strike fears could be enhanced – especially amongst other nuclear-armed states – by steps that seek to secure domestic support for reducing reliance on nuclear weapons through agreeing to enhance offensive conventional capabilities.

⁴⁵ Robert Tait, 'Turkish PM exposes nuclear rift in NATO', *Guardian*, 26 October 2009.

⁴⁶ Sarah Diehl and Eduardo Fujii, 'Brazil's New National Defense Strategy Calls for Strategic Nuclear Developments', *NTI Issue Brief*, October 2009.

6. Declaratory Policy Options

For the purposes of analysis, the main options for developing nuclear declaratory policy can be divided into two main categories: those aimed at reassuring NNWS; and those seeking to limit the circumstances in which nuclear weapons would be used against other nuclear-armed states.

Reassuring the Non-Nuclear-weapon states

It is not easy to explain to non-nuclear NPT signatories why the nuclear-weapon states have not fully committed themselves to renouncing the use, or threatened use, of nuclear weapons against them. They note the failure of the NWS to fulfil the commitment to legally binding NSAs made at the 2000 NPT Review Conference. They remain concerned that the commitment of nuclear-weapon states to existing NSAs appears to be lukewarm and hedged by conditions. And they say that their support for further strengthening of the NPT's proliferation pillar is dependent on the nuclear-weapon states making progress on their own disarmament commitments, including those made on NSAs.

If the nuclear-weapon states are to address these concerns, the **first**, and perhaps most important, step would be for senior P3 policy-makers, including defence ministers, to repeatedly state that their NSAs, agreed in the heat of diplomatic exchanges in the run up to 1995 NPT renewal, remain meaningful and permanent. At present, despite these formal commitments, some defence policy-makers continue to press for maximum ambiguity in declaratory policy, believing that this helps to maximise deterrence. As a result, policy statements by P3 governments on their nuclear doctrine rarely give much weight to NSA commitments. By contrast, repeated statements of existing NSA commitments, including acknowledgement of the legally binding nature of NWFZ commitments where they exist, would emphasise that declaratory policy needs to be

seen in an NPT framework, and not only as a means of deterrence.

Second, the UK and France could follow the US in removing the 'alliance' exemption, whereby NSAs are not valid for NNWS acting 'in association with' nuclear-armed states. This clause is a Cold War legacy, dating from the time when the armed forces of Soviet allies in Eastern Europe were closely integrated into Warsaw Pact command structures. Large Soviet forces, armed with tactical nuclear weapons, were also deployed on their territory. In these circumstances, it was legitimate for NATO member states to assume that an attack on their territory by the forces of Poland or the German Democratic Republic was being conducted in close association with the Soviet Union.

Yet the Warsaw Pact has gone, and the insistence on retaining the vague wording of the association clause could be perceived as an attempt to preserve an easy 'get out' clause from the NSA. Would purchases of conventional weapons from China, for example, mean that Burma or Sudan loses its NSA, even if it has no involvement with nuclear weapons itself? If trading in conventional weapons with a nuclear weapon state is enough to debar a NNWS, very few would retain NSA protection.

The case for the 'alliance' clause, however, was always somewhat stronger in relation to NNWS that are part of a security relationship explicitly involving nuclear weapons. Such arrangements can, for example, include the basing of nuclear weapons, and/or related infrastructure, on national territory, as well as the involvement in the nuclear planning processes of nuclear-weapon states. In the case of NATO, these arrangements may also include the maintenance, by NNWS, of air force capabilities for delivery of US nuclear weapons.⁴⁷ While such 'nuclear sharing' arrangements do not

⁴⁷ Malcolm Chalmers and Simon Lunn, 'NATO's Tactical Nuclear Dilemma', RUSI Occasional Paper (London: Royal United Services Institute, March 2010).

exist in Asia, security arrangements between the US and its key allies in that region also include a clear nuclear dimension. These arrangements may make it less likely that Russia will follow the US in dropping the 'in association' clause in its own NSAs.

A **third** option, which the 2010 NPR was not prepared to take, would be to amend or remove the 'good standing' clause, in which the US, UK and France exclude from their NSAs those NPT signatory states who are 'not in good standing', or are in 'material breach' of their treaty commitments. In current circumstances, this provision might have the effect of excluding Iran from NSA protection, as a result of the concerns which both the IAEA and the UNSC have expressed over Iran's nuclear programme.⁴⁸ It could also be used to exclude a range of other states that have incurred the displeasure of a nuclear weapon state, even if their nuclear programmes are much further away from potential militarisation than that of Iran.

If a state that formally retained non-nuclear status in the NPT had actually developed an operational nuclear weapon, then such an exemption would be a reasonable one. There are no expulsion provisions in the NPT. It is therefore possible, in principle, for a state to 'go nuclear' while still retaining a non-nuclear treaty status.⁴⁹ In these circumstances, it would be reasonable to treat the state (for NSA purposes) as if it were a nuclear weapon state.

The 'material breach' clause can be seen as an important signal of disapproval of attempts to develop military nuclear programmes using the 'cover' that the NPT regime provides. Why, after all, should a state seeking to covertly escape from the NPT regime continue to enjoy a protection which member states in good standing enjoy? Set in the context of recent events in Iraq, together with

current discussions on Iran, however, the clause could also be seen as an attempt to keep open the possibility of pre-emptive nuclear attack on a state that has not yet developed an operational arsenal.

Some significant arguments could be made in favour of the preservation of such an option. To the extent it was seen as credible, it might help to deter a non-nuclear state from embarking on a covert nuclear programme in the first place. If it nevertheless did so, and if conventional pre-emption capabilities were thought to be insufficient, nuclear pre-emption strikes might be the only way of preventing proliferation taking place. Such an option was considered seriously, for example, by both the US and the Soviet Union in order to destroy the nascent Chinese arsenal in the 1960s.⁵⁰

Since the risks from any pre-emptive attacks increase massively once a new nuclear capability has been created, some nuclear-weapon states may be reluctant to give up the option of attacking nascent capabilities altogether. Yet there are considerable reputational costs for insisting on maintaining the option of doing so with nuclear weapons. The more that non-aligned states believe that international inspection regimes can be used to legitimate unilateral 'enforcement' action by the US and its allies, the more careful they may be in lending their support to those regimes. The 2003 invasion of Iraq, for example, was launched without UN authority, yet was justified on the basis of Iraq's refusal to comply with WMD inspection regimes. Other UNSC members fear that the US and Israel could use a similar argument in relation to Iran.

Any political damage done by such steps, however, would be magnified many times were pre-emptive attack to involve the use of nuclear weapons. Given this, and in light of past pre-emption failures in relation to Russia, China and most recently North

⁴⁸ For more detailed discussion of what is meant by 'non-compliance', see John Carlson, 'Defining Noncompliance: NPT Safeguards Agreements', *Arms Control Today*, May 2009.

⁴⁹ The opposite is also true. If a nuclear weapon state were to give up its nuclear weapons, it would still retain the status of a nuclear weapon state under the NPT. Norman Dombey, David Fischer and William Walker, 'Becoming a Non-Nuclear Weapon State: Britain, the NPT and Safeguards', *International Affairs* (Vol. 63, No. 2, Spring 1987), pp. 191-204.

⁵⁰ Sagan, *op. cit.*

Korea, is it really plausible that P3 states will consider such an option in future? If not, what are the deterrent benefits from suggesting that they would do so?

A **fourth** option would be to convert the current 'politically-binding' assurances into a legally binding form, either through a multilateral treaty or through a UNSC resolution. The precedent of adherence to the legally binding NWFZ in Latin America and the Caribbean means that there is no point of principle involved here. And it would fulfil the 2000 NPT Review Conference commitment to take forward this issue. Not least, it would make it significantly more difficult for states to withdraw unilaterally from their commitments without a clear and open process.

It could be argued that NSAs would be meaningless in periods of intense crisis or major conflict, the only circumstances in which nuclear use would be at all plausible. But this argument fails to recognise that the main concern of the NNWS, not without some historical justification, is with circumstances where nuclear threats are deployed by nuclear-weapon states in circumstances where neither their own territory, nor indeed that of their core allies, is under threat.

Critics can point, for example, to the US's refusal to rule out nuclear use publicly in the 1991 and 2003 conflicts with Iraq. They might also point to reports of nuclear options being considered against non-nuclear China in the 1950s, Vietnam in the 1960s, and Argentina in 1982.

There are several reasons why legally binding NSAs might make a significant difference in reducing concerns over possible use of nuclear threats in such non-existential conflicts. First, it would further increase the damage to a country's international reputation were it to openly breach a legally binding international commitment. Admittedly, even without such NSAs, the likely

reputational cost of using nuclear weapons would be considerable.⁵¹ But legally binding restrictions could increase these potential costs further. Second, legally binding Negative Security Assurances would introduce a significant domestic barrier to nuclear use. In the UK, the most apposite parallel is perhaps with the highly controversial decision to take part in the US's invasion of Iraq in 2003. Immediately before the invasion was due to take place, UK Attorney General Lord Goldsmith was asked to rule whether the invasion was legal, given the absence of clear UNSC authorisation. Had he ruled that it was not (as senior Foreign Office lawyers advised), the UK would have found it much more difficult to take part. A similar dynamic might evolve if the UK Government was considering the use of nuclear weapons in breach of a NSA. Legally binding NSAs might also have similar effects in other law-governed nuclear-weapon states, including the US and France. Thirdly, as a result, legally binding assurances would make it much more difficult for the armed forces to prepare to use nuclear weapons in scenarios where use is proscribed. Over time, this would help to narrow the circumstances for which nuclear planning is deemed legitimate, thereby reducing the role of nuclear weapons in security policy.

Indeed it is precisely because both NNWS and NWS understand that legally binding commitments could make a real difference to behaviour that it has been so difficult to make progress in introducing them. In particular, since the Clinton administration in the 1990s, the US Government has been committed to retaining the option of using nuclear weapons in order to deter the use, or threatened use, of chemical and biological weapons by a non-nuclear state. At the time, states in this category included Libya, Iraq and North Korea, as well as Iran and Syria. The cast of 'rogue' states has since narrowed. But the current US Operations Plan for Strategic Deterrence (OPLAN 8010) still includes a 'family of plans' directed at six potential adversaries, believed to be Russia,

⁵¹ T V Paul argues that this was one of the main reasons why the US declined to use nuclear weapons against non-nuclear China in the 1950s: Paul, *op. cit.*, pp. 56-57.

China, North Korea, Iran, Syria and one other.⁵² Two of these adversaries – Iran and Syria – remain non-nuclear NPT signatories, neither of whom yet possesses nuclear weapons.

There has always been some tension between the NSAs that the nuclear-weapon states have given, and the continuing commitment of four of those states (US, France, UK and Russia) to maintain the option of using nuclear weapons in response to a WMD threat. But this has been heightened by the entry into force in July 2009 of the Treaty of Pelindaba (or African Nuclear-Weapon-Free Zone), which includes several states (such as Algeria, Egypt and Libya) where there have been reports of WMD and nuclear weapon related activities in the past.

When the US signed the Pelindaba Treaty's NSA protocol in 1996, it issued a statement that this signature would not 'limit options available to the US in response to an attack by an ANFZ party using weapons of mass destruction.'⁵³ Perhaps in part as a result, the US has not yet ratified the Treaty. By contrast, China, the UK and France have ratified, apparently without making any statements of reservation.

If progress is to be made in strengthening the NSA regime, therefore, a **fifth** option would be for the US and its allies to amend their current policy of ambiguity in relation to states that possess chemical and biological weapons. Although such weapons are likely to continue to be a focus for concern of the international community, and there may even be circumstances in which the UN is willing to authorise their removal, it is much harder to imagine a realistic scenario in which nuclear weapons would be an appropriate response to such a threat.

Although the US and other nuclear-weapon states are not prepared to rule out altogether the use of nuclear weapons to deter CBW threats, there is increasing support for a declaratory policy that narrows reservations made in relation to WMD and makes clear that such a stance is not intended to include battlefield weapons of the sort used in the First World War or the Iran/Iraq War. Former UK Foreign Secretary Robin Cook MP, for example, defined weapons of mass destruction 'in the commonly understood sense of the term' as referring to 'a credible device capable of being delivered against a strategic city target', and specifically excluded 'biological toxins' (such as anthrax) 'and battlefield chemical munitions'.⁵⁴ If such a definition for WMD were to be used, it would still retain a role for nuclear weapons in deterring a future 'biological 9/11', the much-feared scenario in which massive casualties were inflicted on an American or European city. But it could increase confidence that the US is not, in effect, using a WMD opt-out in order to retain the option of nuclear blackmail against NNWS. This is broadly the approach adopted in the NPR, which states that the US 'reserves the right' to adjust its assurances in the event of new developments in biological weapons.

One of the strongest arguments for narrowing the WMD exemption (as the NPR does), or indeed ending it, is that it reinforces the clear 'red line' that separates nuclear from NNWS. It begins to address one of the historical drivers for nuclear proliferation, namely the perception that nuclear-weapon states have used their nuclear oligopoly to exert pressure on NNWS. Providing reassurance in this respect would not address the role of conventional threats – including overwhelming US conventional superiority – in driving proliferation.⁵⁵ As part of a broader package of measures, however, it might have a useful role.

⁵² Hans M Kristensen, *Obama and the Nuclear War Plan*, Federation of American Scientists Issue Brief, February 2010, p. 3.

⁵³ *Ibid.* Also see Arms Control Today, 'Nuclear Weapon Free Zones at a Glance', <<http://www.armscontrol.org/factsheets/nwzfz>>, accessed 12 March 2010.

⁵⁴ Robin Cook, Resignation Speech to House of Commons, 18 March 2003, <<http://news.bbc.co.uk/1/hi/2859431.stm>>, accessed 12 March 2010.

⁵⁵ Bruno Tertrais argues that 'conventional superiority matters more' as a driver for nuclear proliferation than Western nuclear policies. Bruno Tertrais, 'The Trouble with No First Use', *Survival* (October-November 2009), pp. 23-27.

Declaratory Policy and the Vantage Point

Some analysts and advocates have suggested that it is now time to move beyond the current piecemeal approach to disarmament, and instead move directly to negotiating a 'comprehensive agreement for phased, verified reductions to nuclear zero'.⁵⁶ Under this approach, declaratory policy has a relatively limited role. Achieving disarmament is seen as being only a function of 'air-tight verification' (assessed to be already possible) and political will; discussion of declaratory policy options for the interim phase is not important.

Yet such an approach may underestimate just how deeply embedded nuclear weapons are in the security policies of many states. Most of the world's major powers (outside nuclear-free Latin America) possess nuclear weapons or are in close alliance with states that do. Support for the ultimate goal of a world without nuclear weapons has grown, but this objective could only be achieved – by definition – after universal agreement by all those who possess them. The prospects for such an agreement in the short term remain slender.

As a result, other supporters of nuclear disarmament – including the US's 'Gang of Four' and NAM members in NPT negotiations – have focused their efforts on achieving intermediate objectives. For example, Senator Sam Nunn has argued that a coalition of support can be developed around the case for moving towards a vantage point, defined as a point 'along the route to zero' state at which it will be possible to 'see the summit' of zero nuclear weapons and assess whether it is possible and safe to take the last stage of the journey.

While the 'vantage point' provides a seductive metaphor, its practical meaning is less clear. Most analysts assume it includes entry into force of the CTBT and the FMCT, and further bilateral reductions by the US and Russia, perhaps alongside

'no increase' pledges by other recognised nuclear-weapon states. But it would not require any of the eight existing nuclear-armed states to give up their arsenals. The achievement of a vantage point would presumably involve, at a minimum, some reassurance that the pace of proliferation has not accelerated. But it might not necessarily assume that Iran and North Korea have entirely given up their nuclear aspirations.

One possible starting point for defining the vantage point might be the 'thirteen steps' agreed at the 2000 NPT Review Conference,⁵⁷ the most relevant of which for declaratory policy would be the commitment to 'reduce reliance on nuclear weapons in security policy', a commitment that was repeated by President Obama in his 2009 Prague speech. Arguably, this is an objective defined more in relation to where we are now, rather than in relation to a final destination. Nevertheless, it seems to be the single best summary of what changes in declaratory policy should be designed to achieve.

Possible changes in declaratory policy towards the NNWS have already been discussed. This report has argued that some process of balancing deterrence and reassurance requirements may be necessary, for example in relation to the subset of WMD that are perceived to be of equivalent destructive power to nuclear weapons. Because none of the NNWS match the major nuclear-weapon states in conventional capabilities, however, even this reservation might seem to be unnecessarily cautious.

When one comes to consider options for more restrictive declaratory policy between nuclear-weapon states, however, the problems are significantly greater. In the first place, the stakes involved are higher. Any step that increases the risks of war between these states may also raise the risk of nuclear conflict. And the history

⁵⁶ Barry Blechman, 'Stop at Start', *New York Times*, 19 February 2010. Also see Barry M Blechman and Alexander K Bollfrass (eds), *Elements of a Nuclear Disarmament Treaty* (Washington, DC: The Henry L Stimson Centre, 2010).

⁵⁷ Claire Applegarth, 'The 2000 NPT Review Conference and the 13 Practical Steps: A Summary', *Arms Control Today*, January/February 2005, <http://www.armscontrol.org/act/2005_01-02/Scheinman#ReviewConference>, accessed 7 May 2010.

of security policy is replete with instances of unintended consequences, as the events of the last decade have demonstrated all too well. As a result, many seasoned veterans of nuclear debates, well-represented in the security establishments of NATO's nuclear-weapon states, argue that it would be risky to make any change in the current status quo in declaratory policy. It remains an article of faith that nuclear weapons have been central to the maintenance of the 'long peace' between the world's Great Powers since 1945, and that they continue to play this role. At the same time, conventional wisdom is also deeply sceptical of the proposition that nuclear deterrence can play a similarly pacifying role for new nuclear-weapon states, especially if they are hostile to the West and its allies.

Discussion on an appropriate declaratory policy in a 'vantage point world', therefore, is inevitably shaped by a broader consideration of what role deterrence plays in such a world, and how considerations of credibility and reassurance are appropriately balanced. If one believes that there is a role for nuclear weapons in avoiding at least some forms of war, then what is needed to make this role credible? The credibility of international military commitments is not easy to sustain even in relation to conventional forces. But it is much more difficult to do in relation to threats to use nuclear weapons, especially when the intended target is a nuclear-armed state and retaliation is a real possibility.

One of the key issues in discussion of more restrictive declaratory policy options, therefore, is how they might affect the signals that nuclear-weapon states send and receive during a future crisis. States that enjoy conventional superiority, including the US, may be rather less concerned about such signals because of confidence that they have other means to achieve their objectives. But conventionally weak nuclear states, such as Russia and Pakistan, could feel that they are in a much more difficult situation. Nor are scenarios for conflict involving these states entirely implausible. A large-scale terrorist attack on an Indian city, for example, could trigger a military attack on Pakistan.

Threatening first use of its nuclear weapons might quickly become one of the only cards that Pakistan has to play to prevent dismemberment of its territory. Similarly, if perhaps rather more far-fetched, US intervention in defence of Georgia against a Russian invasion could quickly expose the weakness of Russian military power, and bring the possibility of Russian first use uncomfortably close. Using nuclear weapons in these circumstances would be highly irresponsible, even potentially suicidal for the states concerned. But the threat of such use, and credible evidence that the leaders in question were determined to – and 'crazy' enough to – carry it out, could well have the desired coercive effect.

Self-Deterrence and Counter-Force

The search for ways to increase the credibility of nuclear use in a crisis has a second, perhaps more pervasive effect. The central paradox of nuclear deterrence between nuclear-weapon states is that the very factor that makes it so powerful a deterrent to potential opponents – the destructiveness of nuclear weapons – also makes it much more difficult to convince others that one would be willing to carry out deterrent threats when a crisis occurs. In order to combat this 'self-detering' effect, nuclear planners seek ways of enhancing the credibility of deterrence by seeking 'useable' nuclear options that involve lower levels of damage – primarily to themselves, but also to an opponent's civilians – in the event of nuclear war actually taking place.

If they are pursued in the context of multilateral arms control negotiations, attempts to reduce the human costs of war may play a very useful role. Both the CTBT and FMCT, for example, could help to delay other nuclear-armed states from joining the small group (currently only five states) that possess thermo-nuclear weapons and intercontinental range weapons. On the other hand, attempts to seek damage-reduction unilaterally often raise fears that the countries in question are seeking to make nuclear use more thinkable, and thus potential instruments for pursuing their own security interests at the expense of others.

Yet that is precisely the point. In order to have a meaningful deterrent, a state has to demonstrate that it is prepared to use it in some circumstances. One way to do so is to prove that one's leader is irrational and easily provoked, so could easily lash out in ways that would be impossible to contain. Yet persuading others that one's leader is crazy is not always easy, relying as it does on demonstrating personality traits that are counterproductive in other settings. Insofar as one's leader genuinely has such qualities, moreover, the cure could end up being worse than the disease.⁵⁸ A variation on this theme, which cuts out the requirement for individual psychosis, is a Dr Strangelove-esque 'Doomsday Machine', in which the large-scale use of nuclear weapons is triggered automatically if a red line (preferably one announced in advance) is crossed. But this also has its disadvantages.

Although elements of both these options have formed part of efforts to enhance the credibility of deterrence, and arguably continue to do so, a more systematic approach has been to seek capabilities, conventional and nuclear, which can destroy opposing nuclear forces before they are used. While the US has invested more than any other state in such capabilities, other nuclear-weapon states – including the Soviet Union/Russia, France and the UK – have also sought to develop a range of counter-force options. As a result, all four states have achieved significant increases in the accuracy of their nuclear missiles, making possible sharp reductions in warhead yields. The US's superior conventional capabilities, for example in anti-submarine warfare and conventional ground-attack missiles, can be used for counter-force missions. Current plans for enhanced missile defence systems, as well as for conventionally-armed long-range ballistic missiles, also fall into this category. The US administration often presents these new capabilities as part of its effort to reduce reliance on nuclear weapons. But that it not how it is seen by states such as Russia and China, who express

concern that the US is establishing capabilities for disarming counter-force strikes, and thus enabling it to seek overall nuclear superiority.⁵⁹

This is not a new development. Since the early years of the nuclear age, attempts have been made to develop counter-force options that can roll back the inherent incredibility of deterrent threats between nuclear-armed states. Counter-force arms racing was the driving force behind the massive strategic arsenals that both superpowers built during the Cold War. And concerns over asymmetrical vulnerabilities continue to limit the options available for negotiated US/Russia reductions. For it is feared that ill-conceived reductions could increase the technical feasibility of disarming strikes, thereby driving one or both countries into higher-alert postures and/or plans for rapid crisis mobilisation. If these concerns are not taken seriously, there is a danger that one element of the current disarmament agenda – reducing US and Russian arsenals – could be achieved only at the expense of negative impacts on other elements.

A situation in which one state (most likely the US) has an assured first strike capability is never likely to be achieved. For other states, seeing the US's counter-force investments as an attempt to shift the nuclear balance in its favour, will respond with other measures, both defensive and offensive, that counter these investments. The result, at least between states in possession of the resources to take part in this high-cost, high-technology game, is likely to be some degree of dynamic stability, in which theoretical options for disarming first strike capabilities are never quite realised. Russia will be reluctant to reduce the size of its arsenal further without limitations on US missile defence and conventional strike capabilities. And China and India, as their defence budgets grow, will invest increasing resources into bigger and less-vulnerable arsenals, introducing their own missile

⁵⁸ For an excellent survey of the mental stability of leaders, including many in nuclear-weapon states, see David Owen, *In Sickness and in Power: Illness in Heads of Government during the Last 100 Years* (London: Methuen, 2008).

⁵⁹ David S McDonough, *Nuclear Superiority: The 'new triad' and the evolution of nuclear strategy* (London: International Institute for Strategic Studies and Routledge, 2006).

defence systems and developing stronger anti-ASW capabilities. The combined effect of this competitive investment will be continuing risks of 'use them or lose them' dilemmas during future international crises. It is to be hoped that awareness of this potential for instability will in itself help to deter escalatory intra-crisis behaviour. For no state will be able to make the assumption that it could easily 'win' a crisis, at least without taking unacceptable risks of devastating consequences.

Mutual Vulnerability amidst Conventional Asymmetry

This process might well ensure some modicum of dynamic stability, albeit one vulnerable to brinkmanship and unexpected technological breakthrough. But clearly it would not be compatible with aspirations for achieving a stable vantage point. For, if the vantage point is to be the objective, both the US and other major nuclear-armed states (Russia and China) would have to accept – and indeed consciously agree not to take steps to undermine – mutual vulnerability between themselves. This will not be easy. The US did not want to accept mutual vulnerability with the Soviet Union during the Cold War, but by the 1960s the Soviet nuclear build-up had left it with no choice on the matter. Even then, however, the US continued to seek technological improvements that could restore its edge. The Soviet Union, albeit with fewer resources, attempted to do the same.

In contrast to the broad parity between US and Soviet conventional capabilities during the Cold War, however, today's world is characterised by marked conventional asymmetry between the major powers, with the US spending at least six times as much on defence as China, and at least eight times as much as Russia.⁶⁰ The size of the US/China gap is likely to erode over time if rapid Chinese economic growth continues. But, in the absence of dramatic changes in US policy, it is likely

to be several decades before China can match the US as a global military power.

It will not be easy to construct a vantage point regime of NPT5 mutual vulnerability in a situation of such large disparities in conventional military power. On the one hand, it will be very hard for the US to exercise the degree of self-restraint necessary for it to ensure that conventional counter-force capabilities (many of them inherently dual-capable) do not fundamentally undermine possibilities for stability at low numbers. On the other hand, Russia and China may simply not be prepared to agree to further limits on their offensive arsenals without US reassurance that it is not making proposals for partial nuclear disarmament as a means of achieving nuclear superiority.

In these circumstances, a US statement that it is prepared to accept mutual vulnerability with Russia and China, perhaps as part of an agreed NPT5 statement, would be a powerful declaratory policy. In order to make transition to a stable vantage point possible, it would need to be followed by detailed discussions on implications for force postures. It might, for example, mean that the US, Russia and China consider whether they could move towards force postures that are more similar to those of the UK and France. The UK's nuclear posture is based on the assumption that a capability to inflict unacceptable damage on a major power opponent (currently assumed to be Russia) can be maintained with only forty-eight warheads on operational alert, with several days' notice to fire, and with the possibility of mobilising another forty-eight in the event of a major crisis. But this minimal posture, like that of France, is dependent on the fulfilment of two conditions. First, it assumes that no potential opponent has been able to develop missile defences that are strong enough to negate the effects of a one-submarine strike.⁶¹ Second, it assumes that basing

⁶⁰ Calculated in purchasing power parity terms; International Institute for Strategic Studies, *The Military Balance 2010* (London: Routledge, 2010), pp. 221, 392

⁶¹ Some provision is made, however, for remaining Russian missile defences around Moscow. If the UK could be assured that its forces would face no opposing missile defences, the size of its one-boat warhead load could be reduced even further while guaranteeing a similar level of destructive effect.

its primary nuclear force (in the case of the UK, its only force) on a limited number of platforms does not make it vulnerable to detection and pre-emption. Fulfilling both these conditions would be relatively more straightforward for the US, whose wider military superiority means that it currently faces relatively few strategic BMD or ASW threats to its forces. Russia and China, by contrast, may be more reluctant to move in this direction unless they can be reassured that they can obtain levels of vulnerability and penetrability comparable to those of the UK and France.

If a declaratory policy of 'accepting mutual vulnerability' were accepted, it would rule out the preventative first use of nuclear weapons, in which states retain the option of counter-force damage limitation strikes. There is, clearly, a strong national military logic for such an option. In nuclear relations between major nuclear-armed states, however, what might make sense at a national level is also a recipe for systemic instability.

Such a declaratory policy need not necessarily rule out first use of nuclear weapons in some circumstances. In the hypothetical circumstance of a truly existential threat to a state – for example, in the event of a successful conventional invasion of one's homeland – today's public opinion may not be willing to accept that the prudent thing to do would be to surrender. Adopting a pure policy of NFU, therefore, might distract public debate on disarmament into a replay of national memories of past occupations, where advocates of NFU would find themselves hard-pressed to explain why the option of first use would not be appropriate.

Similarly, the suggestion that nuclear-weapon states declare that the 'sole purpose' of nuclear weapons is to deter others from using them may be both too wide and too narrow. It may be too narrow because it rules out the possibility of first use even in circumstances where the existence of a state and its people is under immediate threat. But it is also too wide because it assumes that it is acceptable to use nuclear forces to attack the forces of a potential opponent in order to prevent their use. In principle, there can be circumstances in which pre-emptive

(but not preventative) attacks on the military forces of another state may be appropriate. But force postures that include preparations for such attacks cannot be easily distinguished from those necessary for disarming first strikes. A 'sole purpose' declaration, therefore, does little to counter the counter-force dynamic that is the major obstacle to moving to a stable vantage point.

Very Last Resort

Given these reservations, one possible way forward might be for the NPT5 to combine a commitment to the acceptance of mutual vulnerability with a commitment to use nuclear weapons only as *a very last resort*. This latter formulation would allow states to retain the option of nuclear use in circumstances where their very existence is threatened. But it could also make clear that there would be no automatic retaliatory use of nuclear weapons. Even if nuclear weapons are used against a state or its allies, the state in question would seek alternatives to nuclear use.

This latter suggestion, for some, might be the most radical of all. Most people who have seriously thought about these issues would accept that alternatives to early second use would be highly desirable, and that firing a retaliatory strike only out of anger would be both immoral and pointless. Indeed one of the main advantages of the current UK nuclear posture is that – unlike Launch on Warning or Launch under Attack – it allows decision-makers time to consider whether or not a retaliatory response to a strike on the UK would achieve anything of value. A declaratory policy that deliberately emphasised the desirability of rational nuclear decision-making might, for some, unduly undermine the deterrent value of blind anger. But others might argue that controlling the possibility of ill-considered uses of nuclear weapons should be a central objective of arms control.

The case for accepting NPT5 mutual vulnerability thus rests, in part, on the desirability of avoiding arms races and improving crisis stability. But, for the NATO states, it also rests on considerations of pragmatism and broader security policy. Pragmatically, the prospects that the US can

unilaterally achieve useable nuclear superiority over Russia are low. By pursuing this objective, however, the US risks forcing Russia to invest in counter measures and new offensive forces that will make further negotiated reductions more difficult. Even if US counter-force investments are still able to reduce the level of damage that Russia can inflict in a second strike below the level that it would otherwise have achieved, they cannot do enough to be of real value.

In the case of China's smaller and more vulnerable nuclear force, the technical prospects for a successful disarming first strike (or indeed for disarming second strike in response to a limited Chinese use) are greater. They could increase further as US missile defences mature. Yet the improvement of US counter-force options against China, in the context of that country's aspirations to superpower status, carries considerable risks. It could, for example, push China into adopting the ambition, over time, of generating military capability – conventional and nuclear – that is comparable to that of the US. If China does adopt such an ambition, the NATO nuclear-weapon states would no doubt continue to make the point that China was the only one of the recognised nuclear states that was building up its arsenal. But the US would have to accept that its own policies shared some of the responsibility for China moving in this direction.

Perhaps even more importantly, prospects for global common security in the decades ahead – and with it any prospect for moving forward on nuclear disarmament – will depend critically on co-operation between the major powers, and between China and the US in particular. If this relationship goes wrong, the chances of agreeing to move to any sort of vantage point (far less 'getting to zero') will be negligible. But if progress can be made on a broader political level, then nuclear arms control can be an important element in the development of a more secure international order, based on co-operation between the major powers in managing the common challenges (economic, military and social) that they face.

Declaratory Policy and the Other Nuclear-Armed States

While considerations of pragmatism and broader security policy both point to the desirability of a NPT5 nuclear settlement, however, this is much less clearly the case in relation to other nuclear-armed or potentially nuclear-armed, states. There remains a significant gap between the strategic nuclear capabilities (both quantitative and qualitative) of the NPT5 and those of all other states, as a result of which the prospects for damage limitation at acceptable levels is much more difficult to pursue with the former than with the latter. More fundamentally, the unrecognised nuclear-weapon states exist in a range of different geopolitical contexts, as a result of which the acceptance of mutual vulnerability vis-à-vis the NPT5 would be much harder for the latter to accept.

The clearest examples of this difference are North Korea and Iran. Neither state has yet obtained useable nuclear weapon capability. Both states joined the NPT as NNWS. Their acceptance as members of the nuclear club, therefore, could deeply undermine the non-proliferation regime. The acquisition of useable nuclear capabilities by either state, moreover, could constitute a substantial shift in international power in their favour, giving them bargaining power in a future crisis that they currently do not have. This effect would be further accentuated were either state to develop a capability to attack the US or Europe.

None of the current five nuclear-weapon states will want to accept such a shift. Even if mutual vulnerability might be an option between the five, therefore, it is neither credible nor desirable to suggest a similar stance in relation to North Korea or Iran. As a result, all these states, as far as their resources allow, are likely to want to field capabilities that can limit the damage that the two potential nuclear-armed states could do, for example through missile defence deployments and conventional strike options.

The positions of Pakistan, India and Israel fall between the two other categories. In some scenarios, it is possible to imagine India increasingly becoming a de facto member of a politico-economic Concert of Great Powers, as part of which its nuclear force might increasingly be subject to the same regime as those of the NPT5. The nuclear postures of Israel and Pakistan, by contrast, are largely driven to providing last resort deterrence of invasion. There will, or should be, strong resistance to any attempts to expand this role. In the case of Israel, moreover, the NPT5 should continue to press for its nuclear force to be included in negotiations on a Middle East NWFZ.

Even taking these complications into account, it is therefore possible that the world could be moving into a situation in which there are two tiers of nuclear-weapon states: a group of major powers,

with significant economic and political weight, and a group of lesser nuclear powers. In constructing a 'mutual vulnerability' regime amongst the former, however, it will not be easy to separate counter-force capabilities designed to deter small nuclear-armed states like Iran from capabilities that could undermine any process of nuclear détente between the US, China and Russia. As a result, NPT5 arms control is likely to be easier if the Iranian and North Korean programmes can be frozen or reversed. In principle, this tension could be resolved through co-operative NPT5 programmes, for example on missile defence. In practice, it is hard to imagine that the US would be willing to share sovereignty to the extent that would be necessary to reassure Russia and China that its counter-force capabilities – including missile defences – were not directed towards them.

7. The Conventional Superiority Dilemma

In current circumstances, the US should be relatively relaxed about moving to a more restrictive declaratory policy. Neither the US nor its closest allies, either in NATO or Japan, face a credible invasion threat. Even if they did, their combined conventional capabilities are greatly superior to those of any other major power.

Yet the conventional balance of capabilities that makes a policy (if not formal declaration) of NFU quite a popular stance in the US policy community also militates against the adoption of such a policy in countries vulnerable to conventional invasion. The security policies of both Russia and Pakistan, in particular, are dominated by invasion threats, from NATO and India respectively. And a key element of their response to this threat is to use their declaratory policies to emphasise that they retain a first use option. Conventional weakness also appears to have been an important driver for the nuclear programmes of Iran, North Korea and potentially Syria. It would be surprising if any of these three states would find much of interest in NFU policies.

In the case of Russia, P3 decision-makers will need to take into account the profound shock that NATO's 1999 Kosovo operation, together with the subsequent 2003 invasion of Iraq, generated for its security policy. Not only did these operations demonstrate that Russia's UNSC veto powers provided it with little protection against unilateral US, or NATO, military action; but they also demonstrated just how rapidly US military technology had advanced in the decade since the end of the Cold War, and how far Russia, by comparison, had fallen behind. Subsequent moves to encourage Ukraine and Georgia to join NATO further intensified the sense that Russia would

have to rely heavily on its nuclear arsenal to deter threats to its vital interests.

Getting a global NFU agreement encompassing the eight existing nuclear-armed states (as proposed by the ICNND) will therefore require substantial progress in reassuring both these countries that the primary threat around which they organise their security policy no longer justifies such a stance. It is less clear, however, whether such an agreement is a necessary component of a stable vantage point. It is possible that Russia and Pakistan might be more content with the 'very last resort/mutual vulnerability' regime suggested here.

In considering the possibilities for moving towards more restrictive declaratory policy, it is worth bearing in mind what has already been achieved. In the 1950s, NATO had a policy of 'massive retaliation', in which it was committed to a massive nuclear response even to a relatively limited conventional attack. And even in the latter part of the Cold War, after the Soviet Union had achieved nuclear parity, NATO retained a nuclear posture that was deliberately designed to create the perception that rapid escalation would be likely in the event of a conventional invasion. By contrast, NATO's nuclear arsenal in Europe has now been reduced to less than 10 per cent of what it once was, and may soon be withdrawn altogether.⁶² Even Russia, which remains much more reluctant to give up its tactical weapons because of its conventional inferiority, has taken some steps to remove them from front-line units. Taking further steps towards clarifying the role of these weapons, and removing them from areas bordering NATO, would be an important contribution to confidence-building between Russia and NATO.

⁶² Chalmers and Lunn, *op. cit.*

8. Conclusions

A cursory examination of the literature on the current arms control and disarmament agenda might suggest that declaratory policy issues are of relatively marginal importance. After all, as one sympathetic US commentator has suggested, it is more important to 'view our posture' than 'hear us posture'.⁶³

Yet, as this paper suggests, declaratory policy is an important element in the wider debate on the future role of nuclear weapons, and in particular on how

considerations of deterrence and reassurance can be balanced and integrated into a coherent whole. There should be no illusions as to how deeply embedded nuclear weapons are in the national security policies of the world's leading powers. If the non-proliferation regime is to survive, however, it is also clear that more has to be done to provide credible reassurances (between nuclear and non-nuclear states, as well as between nuclear-weapon states) that serious efforts are being made to reduce the role of nuclear weapons in security policy.

⁶³ Bruce Roth comment in Ivan Oelrich, 'Nuclear Doctrine and Missing the Point', FAS Strategic Security Blog, 8 January 2010, <<http://www.fas.org/blog/ssp/2010/01/nuclear-doctrine-and-missing-the-point.php>>, accessed 15 April 2010.

Acronyms and Abbreviations

ANFZ	African Nuclear Free Zone (Treaty of Pelindaba)
ASW	Anti-Submarine Warfare
BMD	Ballistic Missile Defence
BTWC	Biological and Toxin Weapons Convention
CBW	Chemical and Biological Weapons
CTBT	Comprehensive Test Ban Treaty
CWC	Chemical Weapons Convention
FMCT	Fissile Material Cut-off Treaty
GDP	Gross Domestic Product
IAEA	International Atomic Energy Agency
ICBM	Intercontinental Ballistic Missile
ICNND	International Committee on Nuclear Non-proliferation and Disarmament
NAM	Non-Aligned Movement
NANN	Non-Aligned Non-Nuclear states
NATO	North Atlantic Treaty Organisation
NFU	No First Use
NNA	Non-Nuclear Allies
NNWS	Non-Nuclear-weapon states
NPR	Nuclear Posture Review
NPT	Nuclear Non-Proliferation Treaty
NPT5	The five nuclear-weapon states in the NPT: US, Russia, UK, France and China (in order of acquisition)
NSA	Negative Security Assurances
NWFZ	Nuclear-Weapon-Free Zone

NWS Nuclear-weapon states

START Strategic Arms Reduction Treaty

UN United Nations

UNSC United Nations Security Council

WMD Weapons of Mass Destruction

RUSI Publications

RUSI Journal

Published six times a year, the *Journal* is the Institute's flagship publication and a leading international forum for the exchange of ideas on defence and security. Since it was first published in 1857 the *Journal* has been essential reading for anyone tracking global developments in the field.

Today, the *RUSI Journal* brings fresh and challenging perspectives to bear on a comprehensive range of topics, from strategic theory to counter-insurgency; from military history to current government policy; and from international terrorism to domestic counter-radicalisation.

RUSI Newsbrief

Newsbrief offers concise briefings and analysis of contemporary issues and trends in international security. Published every two months, its balance of rigour and immediacy provides an intelligent response to unfolding world events.

RUSI Defence Systems

RUSI Defence Systems is produced three times a year and examines strategic, conceptual and acquisition issues faced by the global defence community. It is read in over a hundred countries and regularly features contributions from prominent and distinguished defence chiefs, scientists and industrialists from across the globe.

Whitehall Papers

RUSI's monograph series provides in-depth studies of specific developments, issues or themes in the field of national and international defence and security. *Whitehall Papers* reflect the highest standards of original research and analysis, and are invaluable background material for policy makers and specialists alike.

Whitehall Reports

Produced at strategic intervals throughout the year, *Whitehall Reports* provide detailed assessments of various issues and challenges faced by security professionals in conflict and post-conflict environments, the defence industry and policy-making bodies.

Occasional Papers

Offering maximum flexibility of breadth and depth of analysis, RUSI's occasional papers draw mainly from conference papers, roundtable discussions or commissioned research.

NUCLEAR NARRATIVES

REFLECTIONS ON DECLARATORY POLICY

By Malcolm Chalmers

The statements that governments make about when and for what purpose they might use nuclear weapons form a central element of both nuclear deterrence and reassurance. However, as efforts are made to move towards a world where nuclear weapons are few or even non-existent, there is a potential tension between the statements made to deter, and the statements made to reassure. In addition, the relationship between nuclear declaratory policy and conventional imbalances can become increasingly important.

Nuclear Narratives: Reflections on Declaratory Policy explores options for further development of declaratory policy. In particular, it suggests that further consideration be given to combining a commitment that nuclear weapons should only be used as a weapon of last resort with a clear acceptance of mutual vulnerability between the five established nuclear weapon states of China, France, Russia, the United Kingdom and the United States.

Whitehall Reports

Produced at strategic intervals throughout the year, *Whitehall Reports* provide detailed assessments of various issues and challenges faced by security professionals in conflict and post-conflict environments, the defence industry and policy-making bodies.