

### REDUCING THE ROLE OF NUCLEAR WEAPONS: WHAT THE NPDI CAN DO

GEORGE PERKOVICH | NOVEMBER 27, 2012

In 1995, the signatories to the Nuclear Non-Proliferation Treaty (NPT) agreed to extend the treaty indefinitely. Reaching this decision was difficult and contentious. As part of the give and take, the nuclear-weapon states agreed to make “systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons.” However, by 2000, states recognized the need for a more readily achievable benchmark of progress. So the obligation was added to diminish the “role for nuclear weapons in security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination.” This benchmark was reaffirmed at the NPT Review Conference in 2010.

And yet, curiously, governments and international experts have not clarified how the “role” of nuclear weapons can be defined and why it matters.

To help fill this void, ten diverse countries have stepped forward to say that they will concentrate on pressing states to further “diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies.” Calling themselves the Non-Proliferation and Disarmament Initiative (NPDI), these countries—Australia, Canada, Chile, Germany, Japan, Mexico, the Netherlands, Poland, Turkey, and the United Arab Emirates—seek to restore confidence in the nonproliferation and disarmament bargain that lies at the heart of the global nuclear order. The quality and importance of these governments make it imprudent not to take their perceptions and recommendations seriously.

If the NPDI states are to accomplish their laudable objectives, they will need to blend realism with idealism. Seven of the ten

states live under the U.S. nuclear umbrella, and among the seven, there are divergent perceptions of threat from nuclear-armed competitors. Agreeing on where to put the threshold for potential nuclear use will be difficult. Multinational groups naturally tend to settle for lowest-common-denominator positions. Yet, if the NPDI’s demands are anodyne, the initiative will be dismissed as feckless by much of the world. But if the group reaches too high, it will be ignored by the nuclear-armed states.

Between these poles of ambition and modesty, the NPDI could accomplish much by pressing states to clarify the roles they assign to nuclear weapons today and exploring whether a common standard should be applied based on international law. The NPDI could diminish the status associated with nuclear weapons by mobilizing public opinion against irresponsible nuclear saber-rattling. None of this will be easy. But at a time when the global nuclear order appears in flux and no



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single state or leader can reinvigorate it, the ten states of the NPDI have much to offer.

## OFFERING A STANDARD, OR AT LEAST TOUGH QUESTIONS

Nuclear-armed states and their allies differ in the roles they declare for nuclear weapons and in the vagueness of their declarations. Given this variety, what standards might the NPDI and the broader international community use to evaluate whether states are diminishing these roles? The NPDI, perhaps reflecting differences among the group, does not say.

Instead, the NPDI has proceeded cautiously by drafting a reporting form that it may in the future ask nuclear-armed states to fill out. Among other things, the form requests information about the numbers of various types of nuclear weapons and delivery systems a state possesses as well as amounts of fissile materials.

China, Pakistan, India, Israel, and North Korea are unlikely to provide much of this information. They worry that if their adversaries know exactly what they possess, the adversaries might be able to calculate the probabilities of successfully attacking these assets. This would weaken deterrence and/or motivate these states to increase their stockpiles to make them harder to attack.

Thus, the NPDI's desire for transparency in nuclear inventories may remain unfulfilled, but this need not impede the larger goal of reducing the role of nuclear weapons. (The NPDI request that nuclear-armed states list nuclear disarmament steps they have taken since 1995 should be noncontroversial).

The NPDI draft reporting form is most useful where it asks states to describe "measures taken or in process to diminish the role and significance of nuclear weapons in military and security concepts, doctrines and policies." This is a good beginning. It is difficult to think of a legitimate reason why states should not answer this question.

At some point, though, the international community would benefit from a standard against which to evaluate the roles that nuclear-armed states and their allies assign to these weapons. Any such standard will be debatable; stimulating such debate is a meaningful objective. The NPDI states may not

collectively agree to play such a fomenting role, but the issue is worthy of their consideration.

## A REALISTIC HIGH STANDARD

It is clear that states have inherent and legal rights to defend themselves. Any government would feel a natural imperative when its existence was threatened to use whatever means it had to end this threat.

The International Court of Justice (ICJ) recognized the tension between this reality and the parallel difficulty of positing realistic circumstances in which the use of nuclear weapons would not violate humanitarian law. In its 1996 advisory opinion on the "Legality of the Threat or Use of Nuclear Weapons," the court issued a nonbinding judgment, in which the majority concluded that "the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, particularly the principles and rules of humanitarian law." However, the court could not "conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defense, in which the very survival of a State would be at stake."

The ICJ formulation is probably the most realistic high standard that could be articulated for defining the role of nuclear weapons. That is, a state should only contemplate using nuclear weapons "in extreme circumstances of self-defense, in which the very survival of a State would be at stake."

Opinions on the matter of course differ. A number of non-nuclear-weapon states and disarmament activists argue that even the narrow opening the court's majority left for the potentially legal use of nuclear weapons is too wide. Conversely, the declared policies of at least some nuclear-armed states today indicate that they find too constricting the ICJ's standard of "extreme circumstance of self-defense, in which the very survival of a State would be at stake."

The ICJ standard, or any facsimile, would confront the NPDI with dilemmas that at least some of the members may wish to avoid for security reasons, alliance relations, or both. Some of the seven states that rely on extended deterrence from the United States would be reluctant to advocate a policy that the United States would not readily embrace. Yet, if the initiative

is not to be disregarded over time, the NPDI will need to do more than ask states to report what their nuclear policies are. One way of doing more would be for the NPDI (and others) to press nuclear-armed states to adopt the ICJ standard and to adjust their doctrines, policies, and postures accordingly. This would naturally raise the burden of argument for states that contemplate the first use of nuclear weapons. They would have to posit non-nuclear forms of aggression that could threaten their “very survival” or that of their allies, thereby “justifying” first use.

Another, somewhat more reserved course would be for the NPDI to ask nuclear-armed states a series of questions intended to elucidate whether and how they would square their potential use of nuclear weapons with the laws of armed conflict and the norms and principles of humanitarian law. Do the nuclear-armed states acknowledge that the laws of armed conflict and international humanitarian laws apply to potential uses of nuclear weapons? If not, why not? If so, then what level of casualties and destruction would they consider to fall below the threshold of humanitarian law? The NPDI could also ask whether the states see a distinction between the first use of nuclear weapons and retaliatory use when they apply the laws of armed conflict and humanitarian law to potential nuclear conflict. How their deterrence doctrines and arsenals reflect sensitivity to the laws of armed conflict and humanitarian law is also key.

## DIMINISHING NUCLEAR STATUS

Another element of the role of nuclear weapons is status. The more status and influence associated with possessing nuclear weapons, the greater the perceived and real disadvantage of not possessing them. Many states note the fact that only nuclear-weapon states hold veto-wielding permanent seats on the UN Security Council. The more status that any one state seeks to derive from enhancing its nuclear arsenal, the greater the temptation of nuclear-armed rivals to match it. As the Chinese arms control expert Li Bin notes, “If the United States keeps using its nuclear arsenal to symbolize its status, a question is why China shouldn’t do the same.”

The members of the NPDI could challenge the status associated with nuclear weapons by speaking out when officials in any nuclear-armed state appear to make direct or veiled references

to their nuclear arsenal in order to intimidate rivals or to rally domestic audiences. Nuclear saber-rattling to bolster domestic political standing or intimidate others did not end with the Cold War. Yet, the broad international community may be less inclined today to mobilize moral and political opprobrium when intimidating nuclear gestures are directed at small states or seem confined to regional conflicts. The geographic diversity of the NPDI states gives them useful standing to evince and express an international norm against making even veiled threats of nuclear first use.

The NPDI also could publicly urge that if additional states are given permanent, veto-wielding additions to the UN Security Council they should not be nuclear armed.

## WHY THE ROLE OF NUCLEAR WEAPONS MATTERS

Of course, skeptics, especially in nuclear-armed states, will ask “what is the benefit of reducing the role of nuclear weapons?” The NPDI and its supporters should find no objection in answering this question as concretely as possible.

One answer is that in order to strengthen support for the NPT and its enforcement, non-nuclear-weapon states must feel they are gaining greater equity in an international system that was created primarily by the post–World War II great powers. As developing countries gain greater power in a globalized world they want more equitable relations with the established (nuclear) powers. Reducing the role of nuclear weapons is one way to close the gap between the “haves” and the “have nots.” This, too, may be necessary to gain greater support for strengthening and enforcing nonproliferation rules.

For this argument to be persuasive, however, non-nuclear-armed states must demonstrate in deeds that they are in fact willing to strengthen nonproliferation rules and their enforcement. Pressing holdouts to adopt the Additional Protocols that increase the effectiveness of the International Atomic Energy Agency’s safeguards is one obvious way. So, too, is seeking an agreement at the 2015 NPT Review Conference that any state that withdraws from the NPT while in noncompliance with its safeguards obligations will continue to be held accountable for its prior violations until they are resolved to the satisfaction of the international community.

Another motivation for seeking reduced roles for nuclear weapons is simply that all states, including nuclear-armed states, would rather face fewer and less prominent nuclear threats. The taboo against the first use of nuclear weapons has strengthened with each passing year, but its reinforcement takes work. Demanding that the role of nuclear weapons be diminished is a way to raise the global political costs for anyone who would contemplate using them.

Finally, skeptics may say that it does not really matter what roles states declare for their nuclear weapons. Christopher Ford, a former principal deputy assistant secretary of state, for example, argues that “few real strategists take [declaratory policy] too seriously.” NPDI states and others should respond to this assertion.

They could say that declaratory policy matters because publics and governments in many states, including nuclear-armed states, feel it matters. These feelings affect the willingness of non-nuclear-weapon states to cooperate in strengthening the nonproliferation regime. Again, this argument will be persuasive only to the extent that states are in fact willing to strengthen the nonproliferation regime if nuclear-armed states do reduce the role of nuclear weapons.

NPDI states also could note that what leaders say about the role of their nuclear weapons affects how their militaries and other relevant institutions design their force postures and operational doctrines and plans. In this way, declaratory policy influences the nuclear-armed states’ outlooks and behaviors, which in turn affects the broader international community.

## KEEPING STATES “HONEST”

Dismissals of the relevance of declaratory policy are often cynical and self-contradictory. For example, when an adversary downplays the profile of the threat it projects, as when China insists it follows a no-first-use policy, American strategists and pundits often brush it off as propaganda. But when an adversary speaks belliciously, as when Iran’s President Mahmoud Ahmadinejad appears to call for wiping the Zionist entity off the map, the same strategists and pundits take it very seriously.

When some U.S. officials or strategists elicit international alarm by calling for new nuclear weapons to strengthen deterrence, the international concern is sometimes dismissed

as an overreaction. For example, many international observers perceived the Bush administration’s 2001 Nuclear Posture Review to have widened the role for U.S. nuclear weapons, giving an incentive for states such as Iran and North Korea to seek nuclear deterrents of their own. This perception was largely unfair, but U.S. officials then dismissed it by asserting that U.S. nuclear policy does not affect the motivations that others might have to acquire nuclear weapons. Yet, many in the U.S. nuclear establishment say that the U.S. should not declare that the “sole purpose” of its nuclear weapons is to deter nuclear attacks by others, because such a declaration would weaken deterrence.

Clearly declarations about the role of nuclear weapons do matter. The issue is that depending on one’s perceptions and policy preferences there is disagreement on what should be communicated, to whom, and what the effects of various communications would be. If the NPDI wants to actually fulfill its laudable aspirations, it will have to engage in this debate in some detail and over a sustained period.

At a time when the pathways to further nuclear reductions and the entry into force of the Comprehensive Nuclear-Test-Ban Treaty appear to be blocked, some states are increasing their arsenals, and the Iran nuclear standoff is unresolved, the NPDI offers a constructive means to reinforce the taboo against the use of nuclear weapons. This would be no small accomplishment. It should be welcomed by nuclear-armed states and non-nuclear-weapon states alike.

*This is a slightly abridged text; for full text, please visit <http://carnegieendowment.org/npdi>.*

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