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Engaging the Five Nuclear Powers in Disarmament Talks

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INTRODUCTION

With the exception of the multilaterally negotiated comprehensive nuclear test ban treaty (CTBT), nuclear arms control from 1987 has either been bilateral, between the United States and Russia/Soviet Union, or unilateral, such as the voluntary withdrawal of US, British and French tactical nuclear weapons systems undertaken during the 1990s. In view of the current impasse in the START process, the persistent calls (from NPT States Parties and from international public opinion) for more progress on nuclear disarmament, and the need for collective initiatives to reduce reliance on nuclear weapons and diminish the risks associated with potential use and possession, this paper considers the case for five power (P-5) talks, as a complement to the bilateral process and the multilateral negotiations just beginning in the Conference on Disarmament (CD) on a fissile materials treaty (FMT). In discussing P-5 talks, I make a distinction between 'quantitative' approaches, such as arms reduction, and 'qualitative' initiatives, which affect operations, nuclear use policies and doctrines. These approaches are not in conflict, but they are different. While it is necessary to bring the numbers down, such steps are likely to be thwarted unless the role of nuclear weapons is also being addressed. Measures in quantitative and qualitative disarmament can reinforce each other in a complementary relationship of confidence-building and concrete achievements. While recognising the difficulties of engaging in nuclear reduction talks among the five nuclear weapon States (NWS), this paper argues that several issues of qualitative nuclear disarmament are ripe for consideration in the five-power context.

THE FIVE POWERS' POSITIONS

There have been calls for all five NPT-nuclear weapon states to be involved in negotiations, but each country wants to engage its partners in talks on a specific issue of interest for itself.

The Russian Federation

In September 1994, for example, President Boris Yeltsin proposed five-power involvement to the UN General Assembly. He called for a treaty on nuclear security and strategic stability, aimed at reducing nuclear weapons and ending the production and re-use of fissionable materials for weapons purposes.¹ A year later, his Foreign Minister, Andrei Kozyrev, said that: **"Russia is committed to the ultimate goal of the full and complete elimination of nuclear weapons. We suggest to all our**

¹ Boris Yeltsin, address to the UN General Assembly, New York, 26 September 1994, quoted in *Nuclear Proliferation News*, No 12, 30 September 1994.

partners that we should move jointly towards this goal, stage by stage, taking into account the specific approaches of each of the nuclear Powers. A good framework for discussing and resolving all these issues could be provided through the conclusion of an agreement on Nuclear Security and Strategic Stability, the drafting of which has been proposed by the President of Russia.”² Most recently, in Russia’s statement to the Second Preparatory Committee Meeting of the 2000 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in April 1998, Ambassador Grigori Berdennikov told the Parties that Russia “would like to see the other nuclear powers joining the efforts to reduce nuclear weapons”.³

Russia’s attitude towards nuclear arms control seems to be increasingly contradictory. Nuclear weapons, the seat on the UN Security Council and Moscow’s special bilateral relationship with the United States over nuclear arms control are jealously guarded, perhaps as the last vestiges of great power status. Yet at the same time, the United States has been kept waiting of START II ratification, even after the Helsinki agreements last year identifying START III targets. Yeltsin has failed to prioritise START II, which continues to be opposed in the Duma for a variety of reasons, ostensibly NATO expansion, US plans for missile defence systems, lack of (mainly financial) resources for implementation, and, most recently, the threat of NATO attacks on Serb positions around Kosovo. After completion of the CTBT, Moscow has withdrawn its Disarmament Ambassador from Geneva, leaving representation at the Conference on Disarmament in the hands of the Permanent Representative (Ambassador Vasily Siderov), who will be covering a wide number of issues, including trade and human rights, with a less senior diplomat covering negotiations in the CD.

With all of the other NWS fielding specific disarmament ambassadors, Russia’s downgrading of its CD delegation could leave Moscow at a disadvantage during the FMT negotiations, likely to result in more rigid positions and slow decision-making. Its diminished delegation may also make Russia resistant to sidebar negotiations among the P-5, as occurred throughout the CTBT. Russia, like the United States, has clearly put most diplomatic and technical resources into its bilateral negotiations; but at the same time, as exemplified by its April 1998 call for the involvement of the other NWS, Russia’s perception of the potential threats and capabilities of the smaller NWS means that there are many steps that it would not be prepared to undertake with the United States alone. During unofficial talks with US scientists about de-alerting, one senior Russian recently said that even if negotiations with the United States on mutual de-alerting were to bear fruit, Moscow would still have to keep some 500-600 warheads on alert, because of China, Britain and France. The implication of such a statement is that five-power negotiations -- at least on some aspects of nuclear disarmament -- are essential on some issues or at certain levels.

The United States

² Andrei Kozyrev, Russian Foreign Minister to CD Plenary, 29 June 1995, CD/PV.710.

³ Statement by H.E. Ambassador G.V. Berdennikov, head of the delegation of the Russian Federation, to the Second Preparatory Committee Meeting of the 2000 Review Conference of the NPT, 27 April 1998. Reprinted in R. Johnson, ‘Reviewing the Non-Proliferation Treaty: Problems and Process’, ACRONYM 12, September 1998, p 67

The United States at one point considered negotiating a fissile materials cut-off treaty (FMCT) among the five, but could not persuade the other NWS, who insisted on multilateral negotiations to ensure the involvement of India, Israel and Pakistan. The State Department now appears to view the FMT negotiations in the CD and the START process as sufficient to be getting on with. It refuses to consider further measures until START II is ratified and its implementation is underway, despite calls from many US arms control advocates to undertake parallel actions that could help to relieve some of the pressure on Russia and/or bypass the START II blockage. The Republican majority in Congress since 1994, exacerbated by the dominance of long-time arms-control opponent Jesse Helms as Chair of the powerful Senate Foreign Relations Committee, has made it almost impossible for the Clinton government to get treaties (even ones as popular as the CTBT) ratified. The response of an interagency panel looking at the issue of de-alerting was to view the problem as primarily one of safety and therefore to respond with the measures on early warning, information exchange and notification of launches agreed by Clinton and Yeltsin at their Summit in September 1998. The United States was reluctant to join the French initiative for a joint P-5 statement in 1997, though less negative in 1998. It is likely to favour resumption of five-power talks in the margins of the FMT negotiations in Geneva, seeing them as a useful mechanism for the P-5 to develop understandings on scope, verification and possibly transparency.

China

China continues to repeat its conditions for entering into five power talks on weapons reductions i.e. when the arsenals of the two superpowers have been brought substantially down, i.e. below a thousand.⁴ Nevertheless, the possibility (and the need) for such talks is implicit in China's policy, as expressed by China's Foreign Minister Qian Qichen in 1996⁵:

- 1. The major powers should renounce their policy of nuclear deterrence; those possessing huge nuclear arsenals should continue to drastically cut back their stockpiles.**
- 2. All nuclear states should assume the obligation not to be the first to use nuclear weapons at any time or under any circumstances; they should unconditionally renounce the use or threat of use of such weapons against non-nuclear states or nuclear-free zones; and they should conclude international instruments to this effect without delay.**
- 3. Those states which have deployed nuclear weapons overseas should withdraw them completely; all nuclear states should pledge support to the moves to set up nuclear-free zones; they should respect the status of such zones and assume corresponding obligations.**
- 4. All states should refrain from developing or deploying weapons systems in outer space and missile defense systems that undermine strategic security and stability.**

⁴ Alastair Iain Johnston, "Prospects for Chinese Nuclear Force Modernization: Limited Deterrence versus Multilateral Arms Control", *The China Quarterly*, June 1996.

⁵ Qian Qichen, Foreign Minister of China to the UN General Assembly, 25 September, 1996.

5. All states should negotiate with a view to concluding an international convention on the complete prohibition and thorough destruction of nuclear weapons.

This policy was reiterated in China's 1998 White Paper⁶, which added: **“As the international situation is tending to relax and relations between the major powers continue to improve, China believes that the conditions are now ripe for the nuclear weapon States to undertake not to be the first to use nuclear weapons against each other.”** China proposed that the five NWS hold talks as soon as possible on a plurilateral treaty on no first use, along the lines it had presented to the other nuclear powers in January 1994. In his speech to the UN General Assembly in September 1998, Foreign Minister Tang Jiaxuan argued that **“upholding the NPT does not imply that the nuclear weapon States have the privilege of possessing nuclear weapons forever. The fundamental way to eliminate the danger of nuclear proliferation is the thorough destruction of such weapons.”** He promised that **“China, as a nuclear State, will never shirk its responsibility.”** The implication of this policy is that China would favour P-5 talks on no-first-use. Like START II ratification for some US and Russian policy-makers, China's perpetually reiterated demand for first use to be negotiated before anything else can be considered is in danger of functioning merely as a barrier and excuse for not engaging.

France

France, which like China stayed out of international treaties like the Partial Test Ban Treaty (PTBT) and only accepted the NPT regime in 1992, has moved from a position of “strong reluctance to cautious but serious participation” in nuclear-related negotiations during the post-Cold War decade.⁷ Yet in some ways the conditions for entering into plurilateral or multilateral disarmament negotiations set by President Mitterrand in 1983 still prevail: reducing the disparity between the various arsenals (i.e. bringing the US and Russian numbers substantially lower); ending the race in anti-missile, anti-submarine and anti-satellite weapons; and reducing the imbalance in convention armaments in Europe. At the end of the Cold War, France had around 540 nuclear warheads in a diversified arsenal consisting of land-based, submarine-based, sea-based and air-launched strategic and tactical weapons systems. From 1991, the French forces were reduced and reorganised around two systems: *Triumphant* submarines and medium range air-launched missiles (ASMP) on *Mirage* and *Super Etendard* aircraft, in total around 350 warheads. As far as the French are concerned, through these significant unilateral measures France has accomplished more than if it had waited for plurilateral arms talks, but it does not envisage going further in the near future. In 1996, President Chirac proclaimed that France's nuclear forces were at the level to ensure security, arguing that **“other fields of disarmament should draw our attention.”** The French Ambassador in Geneva, JoÛlle Bourgois was the prime mover

⁶ China's National Defence, published by the Information Office of the State Council of the People's Republic of China, Beijing, July 1998.

⁷ Camille Grand, ‘What role for medium nuclear weapon states: the French Case’, paper for the Eighth Annual Arms Control Conference, Albuquerque, New Mexico, April 1998. I am indebted to Camille Grand for sharing his research and insights in discussions with me on French attitudes and policies, on which this section is based, although any errors or inferences are, of course, mine.

behind a joint P-5 statement to the first NPT PrepCom under the enhanced review process in 1997, overcoming American objections, but this was regarded more as a gesture towards the aspirations of the non-NWS Parties to the NPT than as offering anything of substance.

Britain

The UK's position, as formally set out in the Strategic Defence Review (SDR), published in July 1998, is that **“while large nuclear arsenals and risks of proliferation remain, our minimum deterrent remains a necessary element of our security”**. When the Cold War ended, Britain began to withdraw and dismantle all its tactical nuclear systems, completing the process in time for the SDR to confirm retention of one four-boat submarine system, *Trident*. The SDR announced that a maximum of 48 warheads would be carried on each submarine (down from the previous Conservative government's ceiling of 96 per boat), giving a total of 200 warheads altogether (including one reserve complement). The SDR notes that this is much smaller than the arsenals of the major nuclear powers, and argues that **“considerable further reductions in the latter would be needed before further British reductions could become feasible.”**⁸ Britain took a bold lead in transparency, however, announcing its holdings of fissile materials for military purposes and pledging to put 0.3 tonnes of ‘surplus’ weapon grade plutonium under international safeguards, accepting for the first time that Britain has such surplus stocks. The SDR announced that reprocessing would henceforth only take place under safeguards and that an initial report would be published by the year 2000 on past production for military purposes. The SDR also gave more open figures on the nuclear stockpile and on the aggregate costs associated with Trident and the Atomic Weapons Establishment (AWE) facilities.

At the NPT PrepCom in April 1998, Britain's Ambassador Ian Soutar emphasised the **“heavy responsibilities on the larger nuclear weapon States”** while affirming that this did not diminish the **“burden of responsibility that also falls on the smaller nuclear weapon States”** whose primary task was **“not to become large nuclear weapon States”**! Britain accepted that **“in due course they will need to join the larger nuclear weapon States in negotiations about their nuclear weapons”**.⁹ Regarding ‘due course’, Britain's policy, as expressed in Labour Party documents and reiterated in Soutar's statement and supporting documentation to the SDR, is that **“When we are satisfied with progress towards our goal of the global elimination of nuclear weapons, we will ensure that British nuclear weapons are included in negotiations.”**¹⁰ Soutar told the NPT that Britain placed important emphasis on

⁸ The Strategic Defence Review, CM3999, The Stationery Office, London, July 1998. Unless otherwise stated, all quotes are from the section on ‘Deterrence and Disarmament’, pp 17-20.

⁹ Statement by HE Ambassador Ian Soutar, representative of the United Kingdom of Great Britain and Northern Ireland, to the Second Preparatory Committee Meeting of the 2000 Review Conference of the NPT, 27 April 1998. Reprinted in R. Johnson, ‘Reviewing the Non-Proliferation Treaty: Problems and Process’, ACRONYM 12, September 1998, p 78.

¹⁰ This first appeared in *A Fresh Start for Britain: Labour's Strategy for Britain in the Modern World*, The Road to the Manifesto, Labour Party, London, 1996, p 14; and subsequently in ‘Deterrence, Arms Control and Proliferation’, The Strategic Defence Review: Supporting Essays, The Stationery Office, London, July 1998, p 5-1.

incremental steps and exploiting opportunities for cooperation and partnership in Europe, as offered by the NATO-Russia Permanent Joint Council, the Euro-Atlantic Partnership Council, and the Partnership for Peace, as well as in other bodies and fora. He said Britain saw **“great value in the sort of consultations among all five of the nuclear weapon States that have taken place from time to time. Such consultations build trust and confidence, and so facilitate mutual steps towards our shared goal.”**¹¹ Baroness Symonds, spokesperson for the Foreign Secretary in Britain’s House of Lords, also stated that the Labour government was **“actively considering how best to follow up internationally the initiatives on nuclear disarmament set out in the Strategic Defence Review. We would not rule out the possibility that a forum of all the Nuclear Weapon States could make a constructive contribution to the process of nuclear disarmament.”**¹²

A ROLE FOR FIVE POWER TALKS

Many of the objections to five power negotiations are in fact arguments against addressing nuclear reductions among the five until the largest arsenals are considerably reduced. The US does not want a distraction from or more complications to the START process and Britain, France and China do not want to join in until US-Russian numbers are drastically reduced (the ‘hundreds’ qualification, though not explicitly stated as such). It is not necessary (and probably not feasible) at this time to direct five power talks towards achieving formal instruments or treaties, which could take a very long time and cause political problems over whether and how to address the nuclear weapon capabilities of the three non-NPT *de facto* nuclear possessors, India, Israel and Pakistan, as well as ratification hold-ups further down the line. The United States and Russia should be encouraged to bypass the START II blockage and consider much deeper cuts in their arsenals, preferably including both tactical and strategic weapons systems. There are related issues, however, that play into the security assessments of both countries that could be addressed in parallel, most usefully in five power talks. It is not the purpose of this paper to examine the range of issues in detail, but it is useful to make some observations on the attitudes among the P-5 towards certain candidate issues and how and why P-5 talks on these could be productive.

1. Transparency

The British Foreign Minister, Robin Cook, was a long time advocate of transparency. The SDR fulfilled some of what he advocated in 1995, including declaring Britain’s inventories of plutonium and highly enriched uranium and opening its reprocessing facilities at Sellafield and Dounreay to IAEA inspection. In 1995, Cook had also expressed support for the concept of a nuclear weapons register under the auspices of the United Nations, as originally proposed by Germany’s Foreign Minister, Klaus Kinkel, in December 1993 and strongly pushed by a number of non-NWS, notably Egypt. Cook also advocated regular reports from the NWS outlining what steps they had taken in fulfilment of their obligations under article VI of the NPT.¹³ It is

¹¹ Ian Soutar, *op. cit.* p 79.

¹² Baroness Symonds, Minister of State in the Foreign and Commonwealth Office, Parliamentary Written Answer, July 30, 1998.

¹³ Robin Cook, ‘Bombs Away’, *New Statesman and Society*, London, April 14, 1995.

understood that prior to announcing its transparency measures in the SDR, Britain had consulted both the United States and France, winning support from Washington and acceptance at least from Paris, which was aware that it too would be likely to come under pressure to make the same pledges. Although there is a growing readiness among French decision-makers to accept some forms of nuclear transparency, France retains bitter memories of the Kinkel proposal and would be unlikely to view the nuclear weapon register idea in a positive light for a long time.¹⁴

Bilaterally, the US and Russia have also developed some useful levels of mutual declaration and transparency measures and might be prepared to work on extending these with the smaller NWS. Traditionally China has been viewed as the country for whom increased transparency is most difficult. If its major concern is revealing that it has less than it would like the world to think, China can at least be reassured that it is no longer the smallest nuclear weapon State, a position now claimed by Britain. Many analysts place China with the third largest arsenal. In any event, one way for China to take some tentative steps towards transparency might be for it to emulate Britain in declaring the upper ceiling of its nuclear weapons for a given date.¹⁵ If they are shy about giving exact numbers, China and France could likewise start by giving upper ceiling figures for their stockpiles of fissile materials for weapons purposes.

With the FMT negotiations now started, and existing stocks an issue of major political contention, working out some mechanisms on transparency and controls of their stocks will need to be worked out among at least the P-5 (and preferably for the N-3 as well). In view of the political constraints on the multilateral FMT negotiations, it would probably be better to agree such mechanisms in parallel with the treaty, rather than seeking to include stocks in the head treaty itself.

2. De-Alerting

De-alerting as an issue came to prominence with the ground-breaking article by Bruce Blair, Harold Feiveson and Frank von Hippel in *Scientific American*, November 1997.¹⁶ But to the authors themselves, and in Britain, France and China, the issue is primarily one for the Russians and Americans. Although one immediate aim of de-alerting may be increased safety, especially with regard to deteriorating Russian early warning, command and control systems, and this may be the primary angle to sell to US decision-makers, it is important not to ignore the role that de-alerting can make in fostering a more confident climate for nuclear disarmament measures. De-alerting can range from the 'minimal' -- removing guidance systems, for example, or lengthening the procedures for giving notice to fire from minutes to days, as announced by Britain in its SDR, both of which can be easily and quickly reversed -- to 'maximal', such as immobilising missiles in their silos or removing warheads and putting them into verified storage separate from the delivery systems.

¹⁴ See Camille Grand, *op. cit.*

¹⁵ This suggestion was made by Malcolm Chalmers during discussion in Stockholm in early October.

¹⁶ Bruce G Blair, Harold A Feiveson, Frank N von Hippel, 'Taking Nuclear Weapons off Hair-Trigger Alert', *Scientific American*, November 1997, pp 74-81.

Taking nuclear weapons off alert would create a technical delay or time buffer before weapons could be fired, reducing the risks from accidental, mistaken or unauthorised use. As importantly, however, it can also create a political firebreak between nuclear possession and nuclear use, thereby helping to reduce reliance on nuclear weapons. Inevitably this will affect doctrines based on nuclear first use, such as the deterrence postures of NATO and, since 1992, of Russia. The degree to which de-alerting can support disarmament initiatives plays both negatively and positively. Reluctant military planners worry that it will put them on a slippery slope to nuclear disarmament. The international treaty commitments accepted by the NWS, represented particularly by the NPT, given further authority by the Canberra Commission *are* a slippery slope to nuclear disarmament. They are supposed to be. The beauty of an initiative such as de-alerting is that its very reversibility (likely to be viewed by some nuclear disarmament advocates as a drawback) can provide a measure of psychological comfort to States at present unable to step outside Cold War thinking and worst-case ‘uncertainty’ threat assessments. When opponents respond that attempts to re-alert in times of crisis could be profoundly destabilising and potentially lead to the dangers of a re-alerting race or surprise attack, it is necessary to point out that re-alerting could not take place in a vacuum, and would therefore at least sound a siren for political and diplomatic resources to be employed to their utmost... with a buffer zone of time that would not be provided in a similar crisis scenario with nuclear weapons on high alert.

The United States has not ruled out measures to take more of its weapons off alert, but has delayed further consideration until after START II is ratified. Senior Russian officials, including Primakov, have expressed interest, but among the military and some political analysts there are sceptics who emphasise the dangers, seeing de-alerting as risking the ‘stability’ of deterrence and lessening the security attributes and prestige ascribed to Russia’s remaining nuclear forces in Moscow’s reinvigorated *pr0*-nuclear stance. As previously mentioned, one senior official noted that any agreement with the United States would have to take account of British, French and Chinese forces, so at the very least Russia would need to keep 500-600 nuclear weapons on alert against the smaller nuclear powers. Britain, France and China have all now looked at de-alerting. China, whose forces are substantially de-alerted due to the practical need to keep the corrosive liquid fuel for the missiles well away from nuclear warheads, tends to subordinate de-alerting debates to its long-held demand for a no-first-use agreement. Britain announced that its forces were on several days ‘notice to fire’ but has distanced this operational decision from de-alerting and has so far rejected other proposals for de-alerting, such as storing the warheads separately or reducing or restricting Trident’s patrols, on grounds of surprise attack or the risk of crisis escalation resulting from visible re-alerting in response to an incipient threat. In France too, de-alerting is taken seriously, but like in Britain, the military and nuclear establishments have advanced serious technical and strategic problems, especially for the submarine based forces.¹⁷

3. No First Use

China has long advocated no-first-use, wanting a multilateral (or five-power) treaty. Potential first-use is philosophically embedded in the doctrines of the other nuclear weapon States in ways that will make it very difficult to dislodge by addressing

¹⁷ Camille Grand, *op. cit.*

ideologically. No-first-use is unverifiable. If it were seriously adhered to (which is the biggest difficulty),¹⁸ it would remove the underpinnings of the concepts of flexible response, last resort, conventional deterrence and extended deterrence. What would be left would be the narrow doctrine of nuclear deterrence: to have nuclear weapons in order to ensure that no-one uses them against you. Committing to no first use would require a major sea-change in doctrine for four of the five nuclear weapon States.

The Labour government initially sent mixed messages on no-first-use. The Labour Party's pre-election policy document promised: **“a negotiated, multilateral no first use agreement amongst the nuclear weapons states...”**¹⁹ but the sub-strategic missions which may now be envisaged for Trident involve nuclear first-use. These include using a low yield single warhead as a possible response to the use or threatened use of chemical or biological weapons (though Labour joins France in being much more sceptical of the viability of a role for nuclear weapons in deterring or responding to chemical or biological weapon threats) or a warning shot to persuade an aggressor to desist, scenarios that many military and security analysts find less than convincing. The Labour Party was careful not to commit to a *unilateral* declaration of no-first-use, but to fulfil its pre-election proposal, it should be prepared at the very least to undertake consultations with its NATO partners and among the NWS. The SDR made no mention of no-first-use, instead rededicating Britain's defence policy to that of NATO and calling nuclear deterrence a **“longer term insurance”** for NATO.²⁰ Six NATO countries, reportedly Germany, Canada, Belgium, the Netherlands, Norway and Denmark, have questioned the continued policy of siting US tactical nuclear weapons in Europe in peacetime, but this is being raised in terms of the relationship with Russia and the uselessness of such weapons, rather than as an attempt to overturn NATO's doctrine of 'last resort', which implies potential first use. There had been hopes that the nuclear crisis in South Asia and Russia's growing reliance on nuclear weapons might prompt a rethink about the viability and wider implications of NATO's strategy, but such analysis has yet to be demonstrated.

In view of the doctrinal obstacles to achieving a no-first-use agreement in the near future, it might be more practical to approach the objectives of no-first-use by a less ideological route. De-alerting could provide such a route, creating technical and political barriers to first use without requiring that the obsolete but dearly cherished policy be jettisoned overnight: in effect a *de facto* no first use practice. This might help to loosen the grip of first use doctrines over time. Again, the relationship between de-alerting and no-first use can play both negatively and positively, depending on one's concerns and perspectives.

4. Multilateralising the Anti-Ballistic Missile (ABM) Treaty

¹⁸ Like deterrence, no-first-use is a kind of theology, only disproved when it fails. Documentation from Russia indicates that even when it espoused a policy of no-first-use, the USSR actually practised and exercised on the basis of flexible response, exactly like NATO. Likewise, the reliability of Beijing's doctrine of no first use is not clear from the configuration of China's nuclear forces.

¹⁹ *A Fresh Start for Britain: Labour's Strategy for Britain in the Modern World*, the Road to the Manifesto, Labour Party, London, 1996, p 14.

²⁰ The UK Strategic Defence Review, op. cit. p 16.

When the ABM Treaty was signed by the United States and Soviet Union in 1972 it became a cornerstone of nuclear stability and provided an important curb on the nuclear arms race. The ABM Treaty has come under growing threat from US plans to develop and test theatre and ballistic missile defence systems. If the ABM Treaty is impaired, Russia and China will come under intensified pressure from their defence establishments to build their nuclear arsenals up further. The risk of setting a new arms race in motion is also causing grave concern to French and British defence planners and policymakers. The smaller NWS have a special interest in protecting and strengthening the ABM Treaty, but at present they have no say. It is understood that Russia would support opening the ABM Treaty to them, which would help counter some of the pressures to enfeeble the treaty. Britain, China and France have reportedly already held meetings to consider requesting admittance to the Treaty, although Britain is hampered by the politicians' desire not to offend the Americans. The treaty has recently come under a renewed onslaught by Republicans in the US Congress, who argue that **“the ABM Treaty did not survive the dissolution of the Soviet Union...[and has therefore] ... lapsed and is of no force and effect unless the Senate approves the MOU [Memorandum of Understanding regarding the assumption of the Treaty obligations by Russia, and also Kazakhstan, Ukraine and Belarus], or some similar agreement, to revive the treaty.”**²¹ In view of the Republican strategy, advocates of opening the ABM Treaty to signature and ratification by Britain, France and China will have to weigh the risks of offering additional ammunition to militarists bent on destroying the Treaty in order to pursue their Star Wars Mark II dreams of perfect protection under a high tech missile defence canopy.

5. No increase of nuclear weapons

While the US and Russia are attempting to consolidate nuclear weapons reductions under the START process, the three lesser NWS are not engaged in any binding process. The unilateral withdrawals of tactical nuclear weapons by France and Britain were important but voluntary, with no guarantee that they could not be reversed (although that would be highly improbable under current conditions). China has undertaken no reductions and may even have continued substantially to add to its arsenals during the past decade. An important interim step for Britain, France and China, pending their involvement in full negotiations, would be to commit themselves not to increase the number of their nuclear weapons so long as the US and Russia continue to reduce their arsenals.

Framing it as a commitment to end the nuclear arms race would make it more difficult for the NWS to refuse, since they have been claiming since 1995 that the nuclear arms race has already ended. The details would have to be worked out among the P-5, including which date to choose for the baseline; definitions (would it apply to total numbers of warheads, numbers of warheads of certain types, total megatonnage, and

²¹ Letter to President Clinton, dated October 5, 1998, from Trent Lott, Jesse Helms, Don Nickles, Connie Mack, Larry E. Craig, Paul D. Coverdell, Jon Kyl and Bob Smith. Made available on email by Daryl Kimball and posted on the website of the Washington based Coalition to Reduce Nuclear Dangers at: <http://www.clw.org/pub/clw/coalition>. The letter based its arguments on a legal memorandum from the Heritage Foundation released in June 1998, which argued that because the USSR no longer exists, the U.S. has no obligation to abide by the ABM Treaty.

so on); associated transparency and verification (if any); also disposal or sequestration of the excess fissile material from past dismantlements, which should be withheld from future use to build new systems.

6. *No modernisation*

The non-aligned states negotiating the CTBT pushed very hard for the Treaty to enshrine its original objective, to halt the qualitative nuclear arms race, by preventing the development of new or qualitatively advanced nuclear weapons. The NWS clearly perceived the CTBT as an instrument solely to curb horizontal proliferation. They accepted that the test ban would *constrain* the modernisation and development of their nuclear arsenals, but refused any language relating to objectives, purpose or intention of the Treaty. Subject to their levels of technology, the NWS considered that any testing or development that they could perform without violating the ‘nuclear explosion’ prohibition was *ipso facto* permitted.²²

As the NWS stressed the importance of maintaining the ‘safety and reliability’ of their weapons, a senior Russian official noted that **“Arguments about ensuring warhead reliability through testing are often used to conceal an aggressive counterforce strategy and the ‘third generation’ weapon concept.”**²³ The programme of subcritical testing which the United States began in July 1997 to carry out underground at the LYNER facility on the Nevada Test Site has given rise to strong criticism from NNWS, not least India and Pakistan. Russia’s attempts to conduct subcritical testing at its Novaya Zemlya test site gave rise to accusations of having violated the test ban, exposing the susceptibility of such tests to raising compliance concerns and ambiguities. In 1997, the US media revealed a report by the US Department of Energy (DOE) showing the scale of its plans and ongoing programmes involving the nuclear weapon stockpile. The report detailed how the US was continuing to enlarge its capabilities, although it may not presently be designing or producing advanced new nuclear weapons.²⁴ Such activities undermine the credibility of the CTBT and may give rise to compliance ambiguities and challenges, which could lead to the Treaty being discredited before it has a chance to enter into force.

The Cold War is over. The nuclear arms race should be unequivocally ended. By their own current doctrines, the United States and other NWS do not need more sophisticated weaponry than they already have. It is perverse to risk unravelling the CTBT and undermining the non-proliferation regime by maintaining a technological nuclear arms race in the post-Cold War era. A commitment by all the NWS not to develop or manufacture new, improved or advanced nuclear warheads or weapons systems would put a stop to such destabilising tests. Such a declaration would be welcomed by the NNWS and would send important signals to reinforce the credibility

²² Rebecca Johnson, *A Comprehensive Test Ban Treaty: Signed but not Sealed*, ACRONYM No 10, May 1997.

²³ Sergei V Kortunov, Director of the Department for Export Control, Conversion and Military-Technical Cooperation of the Russian Ministry of Foreign Affairs, in *Nuclear Weapons After the Comprehensive Test Ban*, edited by Eric Arnett, SIPRI, 1996.

²⁴ Christopher E Paine and Matthew G McKinzie, *End Run: the US Government's Plan for Designing Nuclear Weapons and Simulating Nuclear Explosions under the Comprehensive Test Ban Treaty*, Natural Resources Defense Council, Washington D.C., August 1997.

of the CTBT and non-proliferation regimes, doubly important in the aftermath of the Indian and Pakistan tests.

CONCLUSION

Five power talks among the NWS offer a way of laying the groundwork for deeper cuts and/or future multilateral negotiations and of addressing interim steps that could be undertaken by agreement among the P-5. In addition to the issues outlined above, there are other matters of mutual concern, for example tactical nuclear weapons, missile controls and so on, but these are perhaps more suited to negotiations within the context of the NATO-Russian Permanent Joint Council or a follow-on to START. The point of this paper is to stimulate debate, provoke discussion and elicit responses from representatives of the key countries: are five-power talks feasible or desirable? It may be helpful to brainstorm on the main advantages and disadvantages. Below I have attempted to start that process and would welcome further input:

Advantages: What could P-5 talks achieve?²⁵

- Provide a more flexible, parallel process to navigate around blockages and problems in the bilateral process and multilateral FMT negotiations, thereby complementing and facilitating those existing negotiations.
- Involve the smaller NWS without requiring direct commitment to treaty negotiations on nuclear weapon reductions.
- Address Russia's security concerns vis-à-vis China, France and Russia, thereby facilitating some aspects of US-Russian bilateral negotiations.
- Talks can begin on a menu of proposals of varying degrees of interest and urgency to the different NWS. By a process of give-and-take, support for one measure can be bargained against concessions on another, so that none of the participants is confronted with a something-for-nothing *fait accompli*.
- If the menu approach advocated here were adopted, cooperative P-5 talks could resolve barriers to related concerns, fostering a constructive, flexible multi-stranded approach.
- The issues deemed here to be most suitable for addressing in the five-power context could result in significant steps being undertaken on the basis of reciprocal unilateral undertakings, both declaratory and concrete. Important confidence-building and 'statement of intent' steps could be achieved at an operational and executive level, avoiding ratification hold-ups. Although these would not have the force of a legal treaty, they could be given additional political and institutional authority by means of bringing the relevant unilateral declarations, agreements or P-5 statements to the UN Security Council, the Conference on Disarmament or the NPT Review Conferences.
- Enhance communication, cooperation and confidence building among the five.
- Reinforce the international norms against proliferation.
- Give greater force to demands aimed at India and Pakistan (and Israel) to freeze their nuclear capabilities, not to weaponise and to adhere to international arms control.

²⁵ These are indicative, and are neither intended to be exhaustive nor in a particular order of importance.

- Meet some of the concerns and demands from non-NWS for more effective progress on nuclear disarmament, especially if reports from the P-5 negotiations were fed through the CD and NPT review meetings.
- Addressing some or all of the proposed issues would help to marginalise nuclear weapons as an instrument of military and political power projection in a way that arms reduction does not necessarily accomplish, thereby helping to create a more positive climate for further deep cuts in arsenals.
- Some of the measures are in principle reversible, allowing the nuclear powers to pull back from dependence on nuclear doctrines without completely surrendering their forces and options, thereby providing a plateau in which alternative, non-nuclear security policies can be developed without the 'blind faith' leap to nuclear disarmament that the NWS imagine and fear.
- These measures could move the NWS closer to virtual deterrence.

Objections or drawbacks²⁶

- None of the NWS is strongly enthusiastic about P-5 talks except in the limited context of side-bar negotiations to the FMT multilateral negotiations.
- Difficulty of agreeing on the priority issues to address.
- Would have to set an agenda: for example, achieve a P-5 agreement on transparency first, before moving on to other issues.
- Dealing with issues pertaining to national security on a declaratory or confidence-building basis may not be acceptable to domestic military and intelligence communities or key groups of legislators.
- P-5 talks could divert attention, resources and political capital away from the START process and FMT negotiations.
- Nuclear planners do not make a distinction between quantitative and qualitative measures, so initiating P-5 talks would not address the fact that the arsenals of the two largest NWS are still far in excess of those of the three smaller NWS.
- The menu concept is not practical, as progress on one issue will be held hostage to agreement on another, and it will not be possible to agree a whole package.
- Unless the objective is verifiable five-power treaties, there is not much point in wasting time on the talks.
- P-5 talks ignore the problem of the *de facto* nuclear possessors, which are more destabilising and dangerous than the nuclear weapons among the NPT-declared NWS.
- The NWS are already doing as much as they can. The time is not ripe for P-5 measures.
- P-5 talks could create expectations which might be difficult to fulfil quickly. Failure to report regular positive successes could result in demoralisation, disillusionment and even the weakening of the non-proliferation regime.
- These measures are reversible and therefore not really disarmament measures at all. They could lead to a condition of virtual deterrence, thereby addressing safety concerns but not affecting the nuclear status quo as such, and, once achieved might give a false sense of security that could impede progress towards the real abolition of nuclear weapons.

²⁶ Again, these are not exhaustive nor ranked, but seek to consider the major objections.

Looking at these hastily compiled lists, many of the advantages of five-power talks, such as flexibility, potential reversibility of the measures and non-Treaty implementation, can also be viewed by different constituencies as reasons to oppose them. Some of the objections amount to fear of the unknown or untried, a kind of institutional inertia in favour of old thinking, however discredited. Other objections raise serious practical questions which will need to be carefully thought through. Nevertheless, it is this paper's conclusion that the constructive potential of engaging all the nuclear weapon States at this stage of the post-Cold War arms control slow-down outweighs the perceived problems.

The suggested measures of qualitative nuclear disarmament can help to marginalise nuclear weapons in ways that arms reduction as such does not necessarily accomplish, thereby loosening the grip of the cold war mindset.²⁷ Undoubtedly political will and incentive will be the determining factors in whether a five power forum is set up or not. In the beginning it might be easier to develop the proposed wider approach to five-power negotiations by starting with the P-5 talks likely to be convened in the margins of the FMT negotiations in Geneva, rather than by attempting to establish a separate, formal forum. If P-5 talks *are* established in Geneva, even if they initially address only issues related to the FMT, it will be very important for Russia to devote the diplomatic and technical resources equivalent to those of at least some other nuclear powers in Geneva, starting with the reinstatement of an Ambassador for Disarmament with authority to negotiate on a par with the ambassadors of the other NWS.

It would be important to view P-5 talks as complementary, not exclusive. They should not mean bypassing multilateral fora, but should accept a role of communicating and inter-relating with the CD and NPT, while determining the pace and focus of negotiations in accordance with their own dynamic. P-5 talks should also not mean leaving the *de facto* nuclear weapon possessors out of consideration, but they would help to move the NWS and their allies beyond the counterproductive practice of treating multilateral negotiations as a mechanism for stemming horizontal proliferation. If the five declared NWS can begin to talk about measures to constrain modernisation, capping and reducing existing capabilities, transparency, de-alerting and so on, it may become more feasible to extend some of the controls and transparency measures to the *de facto* nuclear weapon possessors by other diplomatic means, including bilateral agreements, regional and commercial initiatives.

To create the conditions for nuclear disarmament, it is necessary to further reduce the numbers, of course, but also to address policy and use, which cannot be done without engaging all the nuclear powers.

²⁷ Up to a point, arms reduction can actually suit the nuclear powers by enabling them to rationalise their forces, modernise, save money and consolidate their nuclear postures at 'more reasonable' levels, while still being able to threaten their adversaries or destroy the world many times over.