

NPT Disarmament Obligations and Nuclear Myth-Busting

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On April 14, 2015 the U.S. State Department Bureau of International Security and Nonproliferation released a so-called Fact Sheet entitled “Myths and Facts Regarding the Nuclear Non-Proliferation Treaty and Regime.” As such, it represents the official position of the United States Government, and is aimed at international delegations that will be attending the 2015 NonProliferation Treaty (NPT) Review Conference from April 27 to May 22 at the United Nations in New York City. The State Department’s fact sheet contains several important statements that are misleading, inaccurate or fail to address the most salient aspects of global efforts to prohibit the military uses of nuclear energy. American nuclear security and non-proliferation agendas would be better served if such misstatements were not repeated and promoted at the NPT Review Conference. Instead, the U.S. should take the opportunity to announce new actions that increase the chances that real progress is made toward the declared goal of eliminating nuclear weapons. This would be particularly significant, given that 2015 marks the 70th anniversaries of the Hiroshima and Nagasaki atomic bombings.

In this paper, excerpts of the U.S. State Department’s Fact Sheet appear below in italics, followed by my comments, corrections and suggestions for additional actions.

(1) Myth: The NPT has failed to prevent the spread of nuclear weapons.

The Nuclear Non-Proliferation Treaty (NPT) has enjoyed tremendous successes over the 45 years since its entry into force. The NPT is the most widely adhered to nuclear treaty in history. It has established an international legal framework against the proliferation of nuclear weapons to which 190 countries have subscribed...

The above statement is true. The NPT has been largely successful. However, since the Treaty entered into force the number of states possessing nuclear weapons has increased from 5 to 9. Meanwhile the 70-year-old scientific knowledge and technology necessary to build nuclear weapons has become increasingly available and is within the grasp of many states. This means that international diplomatic efforts must focus on strengthening disincentives for the acquisition of nuclear weapons and towards establishing a verifiable nuclear weapons convention banning their manufacture, possession or use.

(2) Myth: Not enough is being done to pursue nuclear disarmament.

When the NPT entered into force in 1970, the United States had a nuclear stockpile of over 26,000 nuclear weapons. By 2013 that number had been reduced by about 82 percent to 4,804 operationally deployed strategic nuclear warheads. From October 1993 through September 2013, the United States dismantled almost 10,000 nuclear warheads. Several thousand additional nuclear weapons are currently retired and awaiting dismantlement. Nuclear weapons reductions continue as we fulfill our obligations under the New Strategic Arms Reduction Treaty (New START). When the New START Treaty limits are reached in 2018, the United States and Russia will have reduced our respective operationally deployed strategic forces to 1,550 deployed strategic warheads, their lowest level since the 1950s...

The above statements are true, but the fact remains that the United States and Russia each still maintain more than a thousand nuclear weapons that can be fired within minutes or

hours and assert the right to use them in a range of possible conflict scenarios. In support of the goal of nuclear disarmament more must be done to reduce the role of nuclear weapons in U.S. national security strategy and increase transparency regarding the composition of the U.S. nuclear stockpile. The final documents from the 2000 and 2010 NPT review conferences affirmed “the unequivocal undertaking of the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI.” Another hollow pledge to fulfill this commitment 15 years from its reaffirmation in 2000 and 45 years since the NPT entered into force will not do enough to meet the demands of the non-nuclear-weapon states for progress towards nuclear disarmament.

Concrete measures as called for in the 2010 NPT Review Conference Action Plan are needed. For example, in its next formal Nuclear Posture Review the United States could declare that it would never be the first nation to use nuclear weapons in a conflict. Disclosing the actual number of nuclear warheads in the U.S. stockpile, clearly defining the various categories of nuclear warheads and declaring the number of irreversible nuclear weapon dismantlements by year are also key milestones on the path to nuclear disarmament. Together, these actions would reduce ambiguity regarding the role of U.S. nuclear weapons and set essential precedents for other states to follow regarding transparency of their nuclear forces and doctrine. Such steps can significantly increase prospects for nuclear disarmament. Without these or other comparable steps, the growing frustration and a loss of confidence by the non-nuclear-weapons states in the nuclear-weapons states’ commitment to nuclear disarmament will increase, raising the possibility that some will leave the treaty.

(3) Myth: Modernization of nuclear weapons and related infrastructure is a step backwards on disarmament and inconsistent with NPT disarmament obligations.

The United States is committed not to pursue new nuclear warheads, and life extension programs will not provide for new military capabilities... The United States is pursuing life extension for a number of warhead types that will enable us to eliminate many of the weapons we maintain in our stockpile as a hedge against technical contingencies.... Simply put, infrastructure modernization, stockpile stewardship, and life extension programs for U.S. warheads will contribute to and do not detract from progress on our NPT nuclear disarmament obligations.

These statements are very misleading and inaccurate. Nuclear weapons infrastructure and delivery vehicle modernization plans of the United States and other nations party to the NPT are inconsistent with their disarmament obligations and contradict the central purpose of the NPT, which is to prohibit the military uses of nuclear energy.

Instead of fulfilling their NPT Article VI obligations to create plans leading to the elimination of nuclear weapons, Russia and the United States are planning to keep at least 1,500 nuclear warheads actively deployed and thousands more in reserve for the indefinite future. They will spend billions over the next several decades modernizing and upgrading nuclear submarines, missiles and bombers. China, India, North Korea, Pakistan, and possibly Israel are increasing their nuclear weapon stockpiles, although at levels far below those of Russia and the United States.¹

¹ Israel is not a party to the NPT and does not confirm or deny its possession of nuclear weapons. It is widely believed that Israel possesses a deployed nuclear arsenal.

Directly contrary to the State Department's Fact Sheet and declared U.S. international policy, many of these programs will introduce improved or new military capabilities to existing nuclear weapons. For example, the Life Extension Program (LEP) for the U.S.' B61 nuclear bomb will add a guided tail kit to one of the existing B61 types to increase its accuracy. This new modification, known as the B61-12, will be able to strike targets more accurately with a smaller explosive yield and reduced radioactive fallout from a nuclear attack. Quite simply, the performance envelope of this nuclear warhead and delivery system is being expanded by combining a selectable explosive yield with greatly increased accuracy, broadening the type of targets that the B61-12 can be used to attack and increasing its kill probability against those targets. In January 2014 former U.S. Air Force Chief of Staff General Norton Schwartz confirmed these new military capabilities.²

The above claim that the United States' Life Extension Programs "will enable it to eliminate many of the reserve nuclear warheads maintained in its stockpile as a hedge against technical contingencies" has never been validated. But if true as claimed, the 2015 NPT review conference would be the prime international venue in which to formally declare the schedule of stockpile reductions that will occur as LEPs are completed. A projection showing what types of warheads will be eliminated by year over the next 15-20 years and how the enduring stockpile will shrink from its current level of 4,804 warheads would be a powerful indication that U.S. nuclear weapons reductions will continue. In fact, such concrete benchmarks could appropriately be included in an updated NPT "Action Plan" so that progress can be measured at each subsequent 5-year Review Conference.

(6) Myth: "Hair-trigger" alert status and failures to take proper care of nuclear weapons are accidents waiting to happen, and demonstrate the urgent need to eliminate all nuclear weapons.

U.S. nuclear forces are not on "hair-trigger" alert and the U.S. employs multiple, rigorous and redundant technical and procedural safeguards to protect against accidental or unauthorized launch. Only the President can authorize the employment of U.S. nuclear weapons and we are taking further steps to maximize decision time for the President in a crisis... The United States is also actively working to reduce the numbers and role of nuclear weapons in our national security strategy.

These statements are misleading. They unjustifiably claim that the risks of nuclear deterrence are manageable and acceptable and that fundamental changes in the role of nuclear weapons in U.S. national security strategy have been undertaken. A chain of events leading to nuclear war can emerge even when no political leader believes it is in the interest of the state to initiate war, and both sides act in a manner intended to avoid it. The long history of human error, misperception and failure to anticipate possible events, especially during time of crisis, combined with the inevitable periodic failure of technology, software, communications and security systems creates a much higher risk of inadvertent use of nuclear weapons than is currently acknowledged. This existential threat of inadvertent use may be increased by the actions of non-state adversaries seeking to engage in nuclear terrorism, or a cyber attack sparking a catalytic war between nuclear-armed states. Nuclear weapons do not deter the actions of such groups.

² Detailed description of the new military capabilities of the B61-12 nuclear weapon is provided by Hans M. Kristensen of the Federation of American Scientists. See "General Confirms Enhanced Targeting Capabilities of B61-12 Nuclear Bomb," January 23, 2014 available at: <http://fas.org/blogs/security/2014/01/b61capability/>

Contrary to the statements in the Fact Sheet above, the role played by nuclear weapons in U.S. national security strategy remains fundamentally unchanged from the Cold War. For example, the 2013 Pentagon report on U.S. Nuclear Weapons Employment Strategy reaffirms a commitment to core Cold War nuclear posture characteristics such as counterforce targeting (the ability to destroy an adversary's nuclear weapons), retaining a triad of strategic nuclear forces, and retaining U.S. non-strategic nuclear weapons forward-deployed in Europe. It also calls for retention of the ability to launch U.S. nuclear weapons under the threat of attack and the capability to use nuclear weapons pre-emptively under certain conflict scenarios.³ It leaves U.S. nuclear alert status unchanged and does not direct any reductions to the U.S. nuclear arsenal beyond those required by the 2011 New Start Treaty.

If the United States truly wants to support the core objectives of the NPT, reduce the risk of inadvertent nuclear war, and take actions consistent with obligations contained in the 2010 NPT Action Plan, it could announce specific force posture changes. These could include plans to remove the prompt launch requirement for ICBMs, and allowing nuclear warheads to be stored separately from missiles, just as nuclear bombs and cruise missile are currently stored separately from strategic aircraft, submarines and surface vessels. The U.S. could also announce that the sole purpose of American nuclear weapons is to deter nuclear attack on the United States and our allies and partners.

Real Steps Towards a Nuclear Weapons-Free World

Currently the five NPT nuclear weapon-states see nuclear weapons as an enduring and indefinite aspect of national and international security. This is in direct contradiction to the objective of the NonProliferation Treaty. In order to preserve the Treaty all parties must work cooperatively to establish the political, security, institutional, and technical building blocks for nuclear disarmament. To this end, the 2015 Review Conference could insert a new commitment to the NPT Action Plan. This would be a requirement for the original five nuclear-weapon states (with participation from willing non-nuclear weapons states) to create national or multilateral plans for verifiable nuclear disarmament by the year 2045, one hundred years after the first use of nuclear weapons. At each five-year review following the 2015 NPT Review Conference progress on these plans could be reviewed. A goal would be to incrementally expand the set of overlapping actions, commitments and milestones over time and ultimately integrate multiple visions of the path to nuclear disarmament into a single, detailed, yet flexible roadmap. The United States should lead the international community in creating and implementing such a plan.

This paper can be downloaded at

http://nukewatch.org/importantdocs/resources/Doyle-NPT_Myths_and_Facts.pdf

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³ Report on U.S. Nuclear Employment Strategy, U.S. Department of Defense, June 19, 2013.

http://www.defense.gov/pubs/reporttoCongressonUSNuclearEmploymentStrategy_Section491.pdf