



Tactical Nuclear Weapons in the 2010 NPT Final Document

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There are two parts to the outcome of the 2010 NPT Final Document: the report and the action plan. Delegations insisted that there was no time to do a thorough paragraph-by-paragraph review of the report section in the same way that they did on the action plan. It is the action plan commitments that States parties made at this Conference—22 actions on disarmament, 24 on non-proliferation and 20 on peaceful uses—which will be used to hold States parties accountable at the next Review Conference in 2015.

The report was not adopted by consensus; it was instead adopted as a chairman's interpretation. It specifically says, "*The review is the responsibility of the President and reflects to the best of his knowledge what transpired with regard to matters of review.*" This language was produced as a compromise in order to avoid leaving the Review Conference without a final document at all.

While there are no specific and clear recommendations in the report section, there are some items that related to Tactical Nuclear Weapons.

Paragraph 3:

The Conference notes that the nuclear-weapon States reaffirmed their commitment not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices, or control of such weapons or explosive devices directly or indirectly, and not in any way to assist, encourage or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Paragraph 6:

The Conference reaffirms that the strict observance of all the provisions of the Treaty remain central to achieving the shared objectives of the total elimination of nuclear weapons preventing, under any circumstances, the further proliferation of nuclear weapons and preserving

the Treaty's vital contribution to peace and security.

The key language in this paragraph is the wording "*under any circumstances*", as it is often cited that the Treaty does not apply during times of war, when, for example NATO's Article V would be implemented.

Paragraph 87:

The Conference notes the need for further progress in diminishing the role of nuclear weapons in security policies.

Earlier language on this paragraph included reference to regional security strategies as well as bilateral security arrangements. It was an opportunity to indicate to both NATO countries as well as those non-nuclear-weapon States under nuclear umbrellas (including Japan and South Korea) to call for the reduction of the role of nuclear weapons in their security strategies.



Time to wrap up NPT RevCon 2010 - Photo credit: Norway UN (New York)/flickr

Action Plan

Paragraph Bii:

The Conference affirms the need for the nuclear-weapon States to reduce and eliminate all types of their nuclear weapons and encourages in particular those States with the largest nuclear arsenals to lead efforts in this regard.

This reference to "*all types*" of nuclear weapons was the compromise made between the US/Russia and the Non Aligned Movement. Earlier drafts included specific reference to

strategic and sub-strategic weapons. The US and the Russian Federation would not accept that delineation, and instead insisted that “all types” was as far as they would go.

Paragraph Biv:

The Conference recognizes the legitimate interests of non-nuclear-weapon States in the constraining by the nuclear-weapon States of the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons.

US NGOs note that the refurbishment plans for the B61 free-fall gravity bomb will increase its capabilities and that this could be interpreted as a qualitative improvement of the weapon. The capability changes envisaged include the ability to drop the weapon from different heights, to further enhance its dial-a-yield capabilities and to change the weapon from an analog to a digital system. This last change would require a new configuration of the nuclear parts of the weapon, and some have stated that this is, in effect, creating a new weapon. Concerns have been expressed that the new combination of nuclear parts of this weapon could prove disastrous. (Further information from Alliance for Nuclear Accountability, www.ananuclear.org).

Lockheed Martin F-16 Fighting Falcon (which can deliver B61 nuclear bombs) – photo credit: Cedric Favero/flickr



Action 3:

In implementing the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals the nuclear-weapon States commit to undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons, deployed and non-deployed, including through unilateral, bilateral, regional and multilateral measures.

Action 3 provides an opening to further pursue the 1991/2 Presidential Nuclear Initiatives. Although it does contain the diplomatic equivalent of ‘some time in the future, eventually’ (ultimately) in regards to eliminating all types of nuclear weapons, the specific reference to all types, as opposed to simply nuclear weapons is an opening to address tactical weapons. Unfortunately, the action does not call on these reductions to be specifically verifiable, or irreversible.

Action 4:

The Russian Federation and the United States of America commit to seek the early entry-into-force and full implementation of the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms and are encouraged to continue discussions on follow-on measures in order to achieve deeper reduction in their nuclear arsenals.

This paragraph is in direct reference to the new START treaty between the two states. The key element is that the action does not call on further negotiations, but further discussions. This also allows for other types of reductions, on a mutually reinforcing unilateral basis, similar to the Presidential Nuclear Initiatives.

Action 5:

The nuclear-weapon States commit to accelerate concrete progress on the steps leading to nuclear disarmament, contained in the Final Document of the 2000 NPT Review Conference, in a way that promotes international stability, peace and undiminished and increased security. To this end, they are called upon to promptly engage with a view to *inter alia*:

- a. Rapidly moving towards an overall reduction in the global stockpile of all types of nuclear weapons, as identified in Action 3;
- b. address the question of all nuclear weapons regardless of their type or their location as an integral part of the general nuclear disarmament process;
- c. to further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies;
- d. discuss policies that could prevent the use of nuclear weapons and eventually lead to their elimination, lessen the

danger of nuclear war and contribute to the non-proliferation and disarmament of nuclear weapons;

- e. consider the legitimate interest of non-nuclear-weapon States in further reducing the operational status of nuclear weapons systems in ways that promote international stability and security;
- f. reduce the risk of accidental use of nuclear weapons; and
- g. further enhance transparency and increase mutual confidence.

The nuclear-weapon States are called upon to report the above undertakings to the Preparatory Committee at 2014. The 2015 Review Conference will take stock and consider the next steps for the full implementation of Article VI.

The original text in this particular action was weakened considerably through the negotiations process. 5b does not address the question of related infrastructure, nor does it specifically indicate the weapons stationed on the territories of non-nuclear-weapon States. However, it does indirectly reference the problem of non-nuclear-weapon States hosting nuclear weapons by saying “regardless of their type or their location”. 5c previously contained language relating to security alliances, and this too was negotiated out of the document; the current language is similar to previous agreements. The deadline included here, to report on the way that the nuclear-weapon States have “*engaged*” on these issues provides an opportunity to further address these actions at the next Review Conference. While the actions themselves are not very strong (nuclear-weapon States are called on to engage on these issues, not specifically to act on them), this does provide for a time-bound assessment of how that engagement has taken place.

Overall

While there is no direct reference to sub-strategic or tactical weapons in the outcome document, the indirect references do make some small progress beyond the agreements contained in the 2000 Final Document. It was also indicated that during this Review Conference a number of states who are protected by the US nuclear umbrella (including some NATO states) did move further away from the US in their positions. The Netherlands however, was not one of these. In fact, the Netherlands argued against action 5b, claiming that the issue was being taken up during NATO discussions and that the Review Conference was not a competent authority to call on NATO to act in any specific way. This is unfortunate, and indicates that there remains a lack of clarity in the Netherlands Ministry of Foreign Affairs between the mutually reinforcing

way that the NPT Review Conference and the review of the NATO strategic concept could take concrete and specific steps towards the goal of a world free of nuclear weapons.



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