British American Security Information Council (BASIC) – Written evidence (NPT0020)

BASIC is an independent think tank and registered charity promoting innovative ideas and international dialogue on nuclear disarmament, arms control, and nonproliferation. Since 1987, we’ve been at the forefront of global efforts to build trust and cooperation on some of the world’s most progressive global peace and security initiatives, advising governments in the United States, United Kingdom, Europe, the Middle East and Russia. Through an approach based on active listening, understanding and empathy, BASIC builds bridges across divides and lays new pathways to inclusive security.

1. Summary
1.1 The UK has a chance to show leadership and breathe life into disarmament negotiations at the Non-Proliferation Treaty (NPT), central to global security and managing the increasing dangers of nuclear exchange. The UK could clarify its nuclear doctrine, strengthen its declaratory policy and kick-start a dialogue about transparency and risk reduction amongst the Nuclear Weapon States (NWS), that could lead to new pathways to global disarmament.

2. Destabilising trends in the global nuclear order
2.1 The risk of nuclear weapons use has increased substantially in recent years with a deterioration in strategic relations. It differs from the bipolar Cold-War era. There are now more nuclear powers as well as a heightened risk of inadvertent use through miscommunication or misunderstanding. Whilst tensions on the Korean Peninsula appeared to have calmed, based upon claims that North Korea is committed to denuclearisation, few analysts have confidence in this situation.¹ Moreover, on top of traditional nuclear threats, the region that is arguably the most likely to see nuclear use, South Asia, has failed to tackle the underlying drivers of instability and arms racing; conventional conflict could easily escalate to a nuclear exchange.

2.2 In recent years, there has been a greater willingness amongst leaderships, particularly US and Russian, to make veiled or open nuclear threats against one another, verbally and in Russian military manoeuvres. Combined with the increased salience of nuclear weapons in many states’ military doctrines, ‘nuclear sabre rattling’ further erodes the nuclear taboo, escalates tensions and makes nuclear use more likely. This is true for a range of nuclear-armed states including Russia, the United States, North Korea and even the UK. In 2017, then-Defence Secretary

¹ John Mecklin, “2018 Doomsday Clock Statement” Bulletin of the Atomic Scientist January 2018
Michael Fallon broke with the convention of restrained declaratory ambiguity when he explicitly stated the UK would contemplate a nuclear first-strike against Russia. This was seen in Russia as nuclear-sabre rattling and triggered an official rebuke, warning the UK would be ‘wiped off from the face of the earth with a counterstrike’. ²

2.3 New technologies similarly complicate long-held military strategies involving nuclear weapons. For example, advancing underwater and aerial drone technology, AI, sensing and communications capabilities in sea, air and space means that submarines may, in the future, no longer be undetectable in the open ocean, raising questions about the future viability of the UK’s second strike capability and its contribution to strategic stability. ³ AI and cyber capabilities are driving a military revolution that undermines defence doctrines based on nuclear weapons, and undermine states’ confidence in their nuclear arsenals. ⁴ Such technological advancements pose the risk of inadvertent nuclear escalation as they could increase the effectiveness of non-nuclear attacks against key nuclear command, control and communications centres. Cyber threats compromising the integrity of command and control systems also invite the possibility that non-state actors spoof nuclear attack and encourage one state to attack another, as suggested by George Shultz, William Perry, Henry Kissinger and Sam Nunn in their second Wall Street Journal letter, dated January 15, 2008. UN Undersecretary General for Disarmament Affairs Nakamitsu stated in her on the record remarks at RUSI on 11 Dec 2018 that current safeguards against technology (such as the reliance upon air-gapping) will soon be outdated.

2.4 Similarly, the release of the US Missile Defense Review on 16 January and the attendant speech from President Trump signalled a deeply worrying commitment to develop and deploy technology intended to fully overcome US vulnerability, and thereby escape the mutual assured destruction that has formed the basis for strategic stability. Other states see this as part of the US attempt to achieve strategic dominance. President Putin’s 2018 announcement of a suite of new nuclear weapon systems designed to overcome any missile defences was driven by the US withdrawal from the ABM Treaty in 2002 and its continued investment in strategic ABM systems. The announcement near the end of 2018 of Russian’s successful deployment of hypersonic missiles that could evade any potential future missile defence system suggests that the Russians could already have their answer.

Whilst informed opinion judges that it will be impossible for the proposed US ABM system to deliver on its promise in the next 10-20 years, and is therefore a huge waste of resources, it will nevertheless drive states like Russia and China to invest in a variety of nuclear weapon systems to ensure their deterrents are not neutralised.

2.5 At the same time, the state of arms control is precarious with existing agreements under severe threat and little being done to control emerging disruptive technologies. A false narrative is emerging within the United States and Russia that arms control agreements unfairly constrain them. Most significantly the United States has signalled its intention to withdraw from the INF Treaty, deepening the crisis in arms control and the potential for a renewed nuclear arms race. It may be increasingly difficult for the United States and Russia to extend New START or negotiate a successor Treaty, and there could emerge a situation without mutually agreed limits on US and Russian arsenals for the first time since 1972. This will further undermine and destabilise NPT negotiations. Arms control and risk reductions measures are needed most when tensions are high.

2.6 Some of the nuclear modernisation in play appears to lower the threshold for nuclear use and increase the chance of nuclear use through miscalculation and misperception. Russian and US introduction of low-yield nuclear weapons has triggered claims that both states envisage limited nuclear use, nuclear war fighting or escalate-to-escalate postures. There seems to be a lack of appreciation within those states modernising for the extent to which Non-Nuclear Weapon States (NNWS) regard this as vertical proliferation that undermines states’ Article VI commitments to disarmament and legitimising the greater role of nuclear weapons in security doctrines. Within NWS, this is seen as secondary to security concerns.

3. The Non-Proliferation Treaty and the wider non-proliferation regime

3.1 Because of these challenges, the NPT remains critical as the cornerstone of the non-proliferation regime and a progressive step-by-step approach to disarmament is largely considered the only credible practical pathway towards global disarmament by NWS, even within some of those states that have already ratified the Treaty for the Prohibition of Nuclear Weapons (TPNW). Nevertheless, NNWS’ frustrations have highlighted the polarisation in the international community over pathways to disarmament, as seen by the lack of a final document after the 2015 NPT Review Conference and the negotiation of the TPNW.

3.2 Even in the context of this frustration, the step-by-step approach is largely blocked in the current security and diplomatic environment. Indeed, many proposals that were previously seen as achievable, such as the Comprehensive Nuclear-Test-Ban Treaty (CTBT), a Fissile Material Cut-Off Treaty (FMCT) and
unconditional Negative Security Assurances (NSAs), now appear more out of reach. If the 2020 RevCon ‘fails’ to deliver a consensus document, on the 50th anniversary of the NPT coming into force, 25 years since its indefinite extension, and 10 years since the last consensus, it would be a symbolic blow to the regime. Expectations currently are low.

3.3 This is very much a shared responsibility, particularly but not exclusively amongst the NWS. But the way the Trump Administration has played its diplomatic hand, much of the blame for the new blockages on NPT issues are likely to land on its doorstep. For example, on CTBT, as recently as December the United States reiterated its unwillingness to consider Treaty ratification. On NSAs and wider declaratory policy, much of the progress that had been achieved under the Obama Administration was arguably lost in the most recent NPR, which increased ambiguity and introduced new deterrence scenarios. Similarly, the US decision to withdraw from the JCPoA Iran Deal in 2018, which is being maintained by Iran and European states, has created a dangerous precedent internationally, damaged relations with Allies and is potentially fatal for one of the only non-proliferation achievements in recent years.

3.4 Exacerbating these destabilising trends, NWS worry that the TPNW will further destabilise the non-proliferation regime and undermine the NPT. They continue to state their opposition to it in strong terms to avoid doubt about it acquiring status under customary international law. Yet such forthright language on the ‘destabilising’ nature of the Treaty could become a self-fulfilling prophecy. Instead, states could consider how to constructively engage others on disarmament in the context of their commitments under the TPNW. For example, the TPNW could be treated as a global nuclear weapon free zone covering those states that ratify it, and NWS could issue protocols in the same way that they do the existing NWFZs. There is an argument to be made that the Ban Treaty is a step towards clarifying a post-disarmament international legal framework, preventing the proliferation of nuclear weapons knowledge, and states commonly recognise that regional NWFZs support and complement the NPT.6

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4. WMD Free-Zone in the Middle East: A Roadblock for the NPT

4.1. A perennial obstacle in NPT discussions is the commitment to hold a Conference on establishing a WMDFZME. Short of a miracle, we are a long way from achieving the vision of a Zone. The most obvious obstacles centre on the depth of active conflict and distrust amongst states that have difficulty recognising each other’s legitimacy. Many Israelis believe their security depends upon a nuclear ‘Samson option’ of massive retaliation against their neighbours they are not yet prepared to give up. Egyptians and other Arab states see a deep injustice in current arrangements, and are suspicious of never-ending negotiations, while the Iranians carry suspicion of external powers and are caught in proxy conflicts with their Gulf neighbours. The failure to deliver on past promises, particularly those made in 1995 and 2010, has poisoned the well, and the issue threatens to scupper agreement at the 2020 RevCon, as it has previous RevCons in 2005 and 2015.

4.2 Yet there remains hope. There is universal support within the international community in principle for the idea of a WMDFZME. If there were sufficient political will, the technical obstacles could be overcome. If ambitions were realistic and incremental, with confidence-building initiatives, the process could gradually improve the political context. The dangers to the review cycle would be significantly addressed were there to be any evidence of a live process that might improve the situation. The UN General Assembly passed a motion in December to host a formal annual conference on a WMDFZME starting later this year. This could take some pressure off the 2020 RevCon if there were any signals that other states might take this initiative at the UN seriously. As one of the three depository states and sponsors of the 1995 resolution, the UK carries a special responsibility to encourage diplomatic processes that could drive progress.

5. Opportunities for Leadership: Taking incremental steps

5.1 Despite this deteriorating strategic context, increased nuclear risks and fractious state of the NPT, an active discussion on measures to reduce nuclear risk is emerging internationally. These include measures to increase decision-making times, strengthen declaratory policies, establish practices of restraint that refrain from engaging active nuclear threats, and think creatively about new models of nuclear arms control. The UK would do well to become a champion amongst NWS for such conversations, engage with progressive NNWS looking for concrete incremental progress, and show diplomatic leadership in international diplomacy.

5.2 The Cold War has taught us that we do not have to wait until the environment is right for disarmament and arms control. Arms control is a crucial tool in managing exceptionally dangerous situations and can be used preemptively when disruptive changes are likely. States can play an active role in creating a
constructive environment for disarmament agreements. The US State Department has itself launched a broad initiative to assess what strategic conditions might encourage longer term disarmament and the steps that could deliver this. This is to be welcomed, but is not an alternative to finding concrete arms control measures that can be implemented today.

5.3 In particular, the progressive step-by-step approach is not dependent upon improved conditions, but is most likely to be effective if states seek consensus on smaller incremental ‘stepping-stones’ on the way, by building momentum for the NPT. The UK is perhaps the most progressive of all NWS, committed to maintaining a recessed ‘minimum credible deterrent’ based on one platform. The UK shows international leadership through its existing work on verification and is uniquely positioned to take leadership on further initiatives through this step-by-step approach. Areas in which the UK could take additional leadership include:

5.4. **Strengthen UK Declaratory Policy**: The UK could make efforts to strengthen its declaratory policy, given the increased risk of inadvertent nuclear use through misperception and miscalculation of nuclear doctrine and the danger of nuclear sabre-rattling. While ambiguity has benefits, states recognise that too much ambiguity is reckless and irresponsible. Specific nuclear assurances can have benefits increasing confidence between states as well as strengthening deterrence postures.

5.4.1. The UK could start a dialogue amongst NWS on a mutual No-First-Use (NFU) initiative, or choose to adopt a NFU pledge itself. Both India and China have pledged never to use nuclear weapons first since the inception of their nuclear programmes, though both have started to include exceptions to these statements. Whilst adversaries have called into question the veracity of these pledges, they still contribute to international security in a number of ways. If states were to abandon their pledges in extreme circumstances, they would do so against all policy, planning, training and established command and control procedures and legal advice. Even in that extreme, the leadership’s confidence they might otherwise have in their orders being executed might be questioned. In the context of the NPT, such a measure would clearly take an active step to fulfill all NWS’ 2010 pledge to ‘to further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies’. It may even increase the credibility (and certainly clarity) of the second-strike deterrence signalling intention behind the UK’s nuclear deterrent. There may be a benefit to the UK engaging with China (and France) on this issue.
4.4.2. The UK could review the caveats to its existing Negative Security Assurances (NSAs) to not threaten NNWS with nuclear weapons and consider steps that move in the direction of offering unconditional legally binding NSAs. Currently the UK offers NSAs but withdraws them from states that breach their NPT obligations (by judgement of the UK) and those that may use chemical or biological weapons in a strategic attack. These exceptions appear understandable on the surface, but they legitimise nuclear weapons as a tool for compellence and weaken the norm that nuclear weapons can be used against non-nuclear threats. In both cases this policy drives proliferation, and the sense that the UK will remain attached to nuclear deterrence for an indefinite period. Similarly, The UK could also consider how progress could be made on more universal ratification of the legally-binding protocols to Nuclear Weapons Free Zones, rewarding states for the commitments to verified non-nuclear status and strengthening regional security. Progress on these issues would send a positive signal at the NPT and would likely be welcomed by NNWS frustrated with the lack of progress on disarmament. Indeed, if NWS are not even able to strengthen their assurances to NNWS that they do not intend to threaten them with nuclear weapons, this will signal that roadblocks to reducing the saliency of nuclear weapons in defence doctrines are ultimately insurmountable.

5.5. **Offer further transparency around Nuclear Posture:** The UK could show greater transparency over its nuclear posture and the relationship between its deterrence and disarmament commitments. Recently, at the UN General Assembly and 2018 NPT PrepCom, the United States held side-events to explain its nuclear posture. The UK, and other NWS, could hold similar side-events and join public discussions in a manner that promotes public engagement between NWS’ and the engagement of NNWS. This could kickstart more sustained engagement over nuclear deterrence strategies between NWS. Specifically, the UK could host discussions with the US, Russia, France and European partners to minimise remerging nuclear risks. The UK could consider more robust advocacy for other states to adopt more responsible nuclear postures closer to the UK’s. This would include reducing the variety of launch platforms, arguing against the notion that nuclear weapons could be used in a limited manner to ‘win’ wars, removing launch on warning systems, as well as highlighting and working to manage the risks of

dual-capable systems and emerging technologies that disrupt stability and potentially open the possibility for successful first strikes.

4.6. **Engage in Disarmament Education:** Supporting greater transparency, the UK should invest more in disarmament education as a means of highlighting the real and catastrophic global and humanitarian impacts of a nuclear exchange. The UN programme on disarmament education encourages states to invest in disarmament education at home and to report back on their programmes. Disarmament education is an important aspect of a strong and engaged civil society which understands challenges around disarmament as well as a valuable pipeline for preparing the next generation leaders. Yet few states report on their activities, even those who have strong next-generation education programmes. The UK could become a leader in this area by investing more in disarmament education and reporting on its future and existing work on nuclear disarmament in the UN.

4.4.6. **Uphold current non-proliferation and arms control agreements**
Finally, given the precarious state of arms control and non-proliferation agreements globally a key focus now needs to be to keep current agreements alive and to bolster existing institutions. The UK is well positioned to take a leadership role in this to ensure that states remain committed to and comply with agreements such as the JCPoA, New START and the INF Treaty. It needs to continually assess how best to drive effective progress on WMDFZME, CTBT entry into force and FMCT negotiations. Every effort should be taken to uphold current agreements and negotiate further agreements seen as essential steps to creating the conditions for disarmament. This is no time to throw caution to the wind by abandoning the partial arms control architecture we currently have.

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