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Reassessing Security Assurances in a Unipolar World

Security assurances are designed first to prevent states from becoming subject to nuclear threats or use (negative security assurances), and in cases where that occurs, they promise to provide victims of nuclear aggression with assistance (positive security assurances). So conceived, security assurances have been an element of the debate over the Nuclear Non-Proliferation Treaty (NPT) since its inception. This debate has not centered around the legitimacy of these assurances. No one would argue that a state that forgoes nuclear weapons has the right to expect its security will not be undermined by this decision. Nuclear-weapon states have, in fact, offered both negative and positive assurances to nonnuclear states. Rather, the debate has been focused on the scope and conditions of the assurances offered, with the non–nuclear-weapon states demanding more, notably including unconditional and legally binding negative assurances.

The debate has become more contentious since the end of the Cold War and has been embroiled in thinking about how to address a dramatically changed security environment marked by the disappearance of the Cold War-era bipolar nuclear confrontation and the ascendancy of today's proliferation threat. In a world vastly different from that in which they were originally formulated, security assurances need to be reassessed. To provide a context for considering the future of security assurances, including the role they will play at the upcoming 2005 NPT Review Conference to be held in New York City in May, the following questions should be addressed: What security assurances have been offered, and what is their current status? Can

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The Washington Quarterly • 28:2 pp. 159–170.

these or any other assurances truly ensure security, or are they merely paper pledges? Do security assurances, or the lack thereof, affect states' decisions to proliferate?

Security Assurances in the Early Years

Although the NPT itself contains no security assurances, there were proposals to incorporate them during the NPT negotiations in the late 1960s. As early as 1968, positive assurances were discussed as additional incentives to adhere to the treaty. UN Security Council Resolution 255 recognized that the council and "above all its nuclear-weapon state permanent members, would have to act immediately to provide assistance, in accordance with their obligations under the United Nations Charter" to any non–nuclear-weapon-state party to the NPT that was "a victim of an act or object of a threat of aggression in which nuclear weapons are used."[1] Offered by the Soviet Union, the United Kingdom, and the United States, this positive assurance was essentially a statement of intent and did not spell out any mandatory actions or other obligations.

The United States gave its first formal negative assurance—pledging not to use or threaten to use nuclear weapons against nonnuclear states—in 1978. At the UN's First Special Session on Disarmament, Secretary of State Cyrus Vance declared that "[t]he United States will not use nuclear weapons against any non-nuclear-weapons state party to the NPT or any comparable internationally binding commitment not to acquire nuclear explosive devices, except in the case of an attack on the United States, its territories or armed forces, or its allies, by such state allied to a nuclear-weapon state or associated with a nuclear-weapons state in carrying out or sustaining the attack."[2] At this time, the United Kingdom and the Soviet Union offered similar negative security assurances.[3] Additionally, France stated it was prepared to offer such assurances in the context of nuclear-weapon-free zones (NWFZs), and China gave a broader commitment that reaffirmed the no-first-use (NFU) pledge it had held since the early 1960s.

Vance's words have been subsequently reiterated by the United States on numerous occasions, notably in a statement issued by Secretary of State Warren Christopher in 1995, as part of the diplomatic effort to extend the NPT indefinitely.[4] Later that year, Security Council Resolution 984[5] acknowledged the reiterated U.S., British, and Russian negative assurances, along with those of France and China, both of whom became NPT parties in 1992. In the resolution, positive assurances were also offered by all five NPT nuclear-weapon states. These positive security assurances, which were more elaborate than those previously issued, were the first for China and France.

Resolution 984 went beyond the original positive security assurance pledges of 1968 not only by bringing in France and China but also by discussing, among other matters, appropriate measures for technical, medical, and humanitarian assistance and procedures for compensation. They did make some progress toward addressing the nonnuclear states' concerns, but they did not provide for such demands as automatic sanctions nor were they legally binding. The 1995 NPT Review and Extension Conference agreed to the "Principles and Objectives for Non-Proliferation and Disarmament," which also incorporated the negative assurances offered by the five nuclear-weapon states alongside demands for further action, possibly including an international legally binding instrument, to assure nonnuclear states party to the NPT that they would not be threatened or attacked with nuclear weapons by the five nuclear powers.[6]

In a vastly different world, security assurances need to be reassessed.

Although the years following the extension of the treaty have seen no progress toward realizing this demand, nonnuclear parties to the NPT have continued to seek negative assurances. At the Second Session of the Preparatory Committee to the 2000 Review Conference, the South African delegation challenged the view that contemporary security assurances met the needs of nonnuclear states, arguing that negotiations leading to the conclusion of legally binding security assurances under the NPT umbrella would benefit treaty parties while also serving as an incentive to those who remain outside the NPT. "Security assurances rightfully belong to those who have given up the nuclear weapon option as opposed to those who are still keeping their options open. They would strengthen the nuclear nonproliferation regime and confirm the role of the indefinitely extended NPT."[7]

The compromise language of the 2000 NPT Review Conference's final document[8] and the inability of the 2005 Review Conference's Preparatory Committee to reach any recommendations on security assurances is evidence of the continued lack of consensus over the issue today. Even though the December 2004 UN report to the secretary general, "A More Secure World," did recommend that the nuclear powers reaffirm their negative and positive assurances,[9] the 2005 NPT Review Conference is still unlikely to resolve this issue. Are nuclear-weapon states unreasonable in not meeting demands for unconditional, legally binding security assurances in today's geopolitical environment, or have expectations for security assurances become too high?

Reassessing Security Assurances

In 1970, when the NPT was concluded and entered into force, security assurances served a fundamental political and symbolic function in a stable political-military environment. Most nonnuclear states, especially those that did not benefit from security alliances with the United States or the Soviet Union, viewed them as important. Nevertheless, nuclear confrontation and mutual hostility between the superpowers as well as their allies may have created a sense during the Cold War that security assurances could not realistically be extended further. Although existing assurances did reinforce the view that nuclear-weapon states were unlikely to target or attack nonnuclear states in most circumstances, it is difficult to make the case that these assurances—whether positive or negative—had a significant impact either on the behavior of potential proliferants or on nuclear-weapon states.

The Focus on Negative Assurances

With the dissolution of the Soviet Union, however, both the expectations for security assurances and the reality of their role and importance began to change. The Cold War's nuclear balance of terror had waned and was no longer perceived by many states as a reason to postpone or even to refuse nuclear disarmament or, in the interim, more credible security assurances. The post–Cold War debate has focused on negative assurances with a growing demand among nonnuclear states for a legally binding international instrument assuring that nuclear-weapon states would not use nuclear weapons against nonnuclear states under any circumstances.

The nuclear-weapon states, except for China, have nevertheless been reluctant to commit to such a legally binding arrangement. Thus far, four of the five nuclear powers have only been willing to assume additional obligations in the context of certain NWFZs: protocols to zones established in Latin America by the Treaty of Tlatelolco (1967), in the South Pacific by the Treaty of Raratonga (1985), and in Africa by the Treaty of Pelindaba (1995) contain legally binding negative assurances that at least some nuclear states have joined. The Treaty of Bangkok (1995), which would establish a Southeast Asian zone, incorporates such protocols, but no nuclear state has signed it due to law of the sea and other issues. China has joined most of these protocols and supports legally binding negative assurances, but it views all such measures, including its own unconditional no-first-use of nuclear weapons pledge, as necessary only until nuclear disarmament is achieved. Until such time, China continues to prioritize legally binding security assurances and incremental interim steps toward disarmament, such as not listing any state as a target of nuclear weapons and not making nuclear strike plans against nonnuclear states.[10]

With these exceptions, nuclear-weapon states have maintained conditions on existing negative assurances. These states are skeptical of what the nonnuclear states are demanding, particularly because the failure to bring some NWFZs into force suggests to some that the goal of legally binding negative assurances may not have the priority they are rhetorically accorded by many states. Many nuclear states may also be concerned that unconditionally forswearing the use of nuclear weapons against nonnuclear states will undermine deterrence and, ultimately, their right to self-defense. Undersecretary of State for Arms Control and International Security John Bolton argued that the United States takes its pledges, which were reaffirmed by the Bush administration, seriously but notes that it offered these negative assurances in a "very different geostrategic context" and needs to review this commitment in light of today's changed security environment.[11]

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Many observers have questioned the practical value of negative assurances, contending that such limited and conditional no-first-use pledges were unlikely to matter in the event of an actual crisis or confrontation. During the Cold War, there was little possibility that a nonnuclear state would be attacked with nuclear weapons unless it was allied with another nuclear power. Has this prospect now changed? Nonnuclear states are concerned that commitments by nuclear-weapon states not to use nuclear weapons first are eroding in light of the proliferation of other weapons of mass destruction (WMD) such as biological and chemical weapons.

Reconsidering Biological and Chemical Threats

The Chinese pledge is unconditional, yet pledges by France, Russia, the United Kingdom, and the United States do not explicitly address the contingency of chemical or biological attacks by an NPT-compliant rogue state. Washington, London, and Paris have not been willing to exclude the possibility of a nuclear response to a devastating chemical or biological attack. This has led many nonnuclear states, who demand unconditional assurances, to argue that this undermines the credibility of their pledges.

This issue received considerable public attention when, during a visit to Cairo in April 1996, Secretary of Defense William Perry announced that Libya, although it was not yet producing chemical weapons, was developing a suspected chemical weapons facility at Tarhunah and provided evidence on its progress to Egyptian president Husni Mubarak.[12] Asked if the United States

would allow the Tarhunah plant to open, Perry responded that it would not and that he "wouldn't rule [any preventive measures] out or anything in."[13]

Although Washington did not plan to attack Tarhunah with nuclear weapons, Perry's words were seen by observers in the United States and in the region to raise this possibility. After he returned to the United States later that month, Perry also suggested the possibility, though equally unlikely, of a nuclear response in the event of WMD use against the United States. He declared that, if a state were to attack the United States with chemical weapons, "they would have to fear the consequences of a response from any weapon in our inventory."[14] Tempering his statement, Perry continued: "In every situation that I have seen so far, nuclear weapons would not be required for response. That is, we could make a devastating response without the use of nuclear weapons, but we would not forswear that possibility."[15] Perry's successor, William Cohen, also raised the possibility of a nuclear response to WMD use, arguing in 1998 that U.S. nuclear forces helped deter the use or threat of a nuclear, chemical, or biological weapons attack against the United States or its allies. He specifically stated that keeping open the option of nuclear first-use served deterrence by "keeping any potential adversary who might use chemical [weapons] or biologicals unsure of what our response would be."[16]

Holding states at risk of nuclear attack if they use WMD may enhance nonproliferation.

In November 1997, President Bill Clinton signed Presidential Decision Directive 60 (PDD-60), which reportedly reserves the option of a nuclear response to a chemical or biological attack against the United States. Then–White House adviser Robert Bell denied that PDD-60 expanded U.S. nuclear options against a chemical or biological weapons attack, stating that it served, instead, to reaffirm U.S. policy previously stated during the extension of the NPT, the negotiation of the Comprehensive Test Ban Treaty, and the ratification of the Chemical Weapons Convention. Bell further clarified that the United States even reserved the right to use nuclear weapons first: "If a state that we are engaged in conflict with is a nuclear-capable state, we do not necessarily intend to wait until that state uses nuclear weapons first—we reserve the right to use nuclear weapons first in a conflict whether it's CW [chemical], BW [biological] or for that matter conventional."[17] Bell continued that, even if a state is not officially a nuclear-capable state, its "standing under the Non-Proliferation Treaty or an equivalent international convention" would potentially affect a U.S. decision.[18]

On February 22, 2002, the Bush administration reiterated the 1995 U.S. negative assurance offered by the Clinton administration. Department of

State spokesperson Richard Boucher went on to state that the United States "will do whatever is necessary to deter the use of weapons of mass destruction against the United States, its allies, and its interests. If a weapon of mass destruction is used against the United States or its allies, we will not rule out any specific type of military response."[19] In December of that same year, the *National Strategy to Combat Weapons of Mass Destruction* asserted that "[t]he United States will continue to make clear that it reserves the right to respond with overwhelming force—including through resort to all of our options—to the use of WMD against the United States, our forces abroad, and our friends and allies."[20]

The Bush administration is not advocating a policy of nuclear preemption, and as Boucher's statement demonstrates, it is not making a significant shift in U.S. policy on negative security assurances. Although many observers in the United States and around the world have considered the Nuclear Posture Review and other strategy documents of the U.S. government as elaborating policies that pose new threats to negative assurances, this view reflects a misunderstanding of current U.S. nuclear policy.

Does Nuclear Ambiguity Enhance WMD Deterrence Today?

The U.S. post–Cold War ambiguity about a potential nuclear response to a WMD attack derives from a desire to enhance deterrence, not from an expectation that U.S. nuclear use is likely or inevitable. It is a logic to which Clinton and Bush have both adhered and with which students of nuclear deterrence are familiar. Critics argue, however, that this ambiguity sends the wrong message, especially to potential proliferators, about the value of nuclear weapons: that even the most powerful state in the world still needs nuclear weapons to deter WMD threats. This imputed message, it is argued, legitimizes nuclear weapons and makes them more attractive to other countries that do not possess military might comparable to the United States.

Others assert that the underlying rationale for this strategic ambiguity justifies the acquisition of new nuclear weapons. Clearly, weapons optimized for dealing with the Soviet threat may not be optimal for deterring contemporary contingencies in which attacks using WMD figure prominently. On this basis, proponents of new weapons in the United States argue that this new era requires new weapons, including those designed for the defeat of biochemical agents and for improving the ability of the United States to penetrate hard and deeply buried targets, including rogue states' leadership bunkers or underground WMD production facilities and storage sites. These capabilities are being advocated primarily on the basis of enhancing deterrence, but they have been seen by critics within the United States and around the world as heralding a new interest in war fighting.

Critics fear that arguments for new weapons, including mini-nukes and bunker-busters, underscore and even increase the prestige and value of nuclear weapons and could undermine nonproliferation efforts by making nuclear weapons more attractive to potential proliferators. In essence, these critics believe that U.S. nuclear weapons are driving proliferation abroad. The relationship between U.S. nuclear weapons and U.S. nonproliferation policy, however, is not as clear and simple as critics have claimed. The notion that today's U.S. nuclear policy has driven North Korea or Iran to develop nuclear weapons is not a legitimate one. These countries' programs predate current U.S. policy and have advanced during a period of undeniable progress in arms reduction. In any event, would these states really forgo the bomb if the United States disarmed? On the other hand, if the United States were no longer able to offer nuclear assurances to its allies, what would the consequences be in key regions around the world? In contrast to the view that U.S. policy undermines nonproliferation efforts, holding states at risk of nuclear attack if they use WMD may underscore the importance of and enhance nonproliferation efforts.

Guaranteeing Security after September 11

The growing proliferation threat has not only raised questions about the credibility of negative security assurances previously made by the five nuclear-weapon states, but also about the continued relevance of such commitments in a world with new nuclear powers such as Israel, India, Pakistan, and possibly North Korea, who are neither members of the NPT nor bound by the assurances made by the other five nuclear states. Although nonnuclear states claim that negative assurances are critical to their security, they realistically do not address the most pressing of today's security threats.

In his May 2004 remarks at a preparatory committee meeting for the 2005 NPT Review Conference, Assistant Secretary of State for Arms Control Stephen Rademaker explicitly argued that "[i]n this security environment, it is apparent that [negative security assurances] by the NPT nuclear weapon states are of diminishing importance as a possible remedy to the security concerns of NPT non-nuclear-weapon states."[21] This is a serious issue, especially for nonnuclear states that might be threatened by proliferating neighbors. This scenario is not addressed in current negative security assurances, and it cannot be addressed in a legally binding protocol to the NPT, which would be limited to the five NPT nuclear states, lest the protocol be seen to legitimize the status of non-NPT nuclear powers.

The emerging proliferation threat raises not only this legal dilemma for the treaty but also, and perhaps more significantly, the issue of overarching nonproliferation efforts and the need to ensure their effectiveness. A critical com-

ponent of security today is how broadly and effectively to stop proliferation. Rademaker has argued that "[o]ur emphasis should be on strict compliance with the NPT by all states, strong export controls, programs to combat nuclear terrorism, continued pressure on North Korea and Iran, and restraint in South Asia."[22] To accomplish these goals, however, efforts to address the sources of insecurity in potential proliferant states need to be enhanced.

Such strategies have empirically worked. In the aftermath of the Soviet Union's collapse, the priority was to convince Belarus, Kazakhstan, and Ukraine to give up their inherited nuclear weapons and enter the NPT as nonnuclear states. Each state received security assurances in return for its agreement. In the final memorandum with Ukraine, for example, Russia, the United Kingdom, and the United States reaffirmed their negative assurance "not to use nuclear weapons against any non-nuclear-weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon."[23] The value of a negative assurance from Russia was probably critical to Ukraine because of its grave concerns about Russia's intentions. Although these security assurances were certainly important, the final agreements with these states—especially Ukraine, which posed the most serious threat of retaining its arms—included other inducements as well, some of them financial. Even in these cases, the value of security assurances alone is limited and must be part of a broad state-specific strategy.

Negative assurances realistically do not address today's most pressing security threats.

The security assurances to these Soviet successor states were a response to an unprecedented historical event. Nonetheless, such arrangements may again be useful today to convince other states to forgo nuclear weapons. North Korea, for example, has demanded a nonaggression pact with the United States and is likely to push for security assurances in any agreement to end its nuclear weapons program that might result from the six-party talks. It is certainly possible that North Korea's stated position may merely be rhetorical and not reflect genuine security concerns. It is also possible that rewarding North Korea's nuclear threats and brinkmanship by improving its security could ultimately serve to undermine the NPT.[24] As a consequence, in North Korea's case, any proposal must ensure that security assurances are tied to its disarmament as well as to its return to the NPT fold. This should take care of any negative regime consequences. Earlier deals with the "nuclear inheritors" could in principle provide a useful model

for a proposal to test the security concerns of North Korea, as well as other proliferating states. This issue has also already been raised in the context of European diplomatic efforts to address the Iranian nuclear program.

Reconsidering Positive Assurances

Today's changed security environment has also raised the importance of positive security assurances. To date, positive assurances have not received the same attention as have negative assurances. This may be due in part to the specifics of the 1995 positive assurances, which made some progress toward meeting nonnuclear states' concerns. It also undoubtedly reflects the view that obligatory positive assurances are not likely to be offered. Advance commitments in response to a nuclear threat or nuclear use against a state have been a fixture of some U.S. alliances and security relationships. The reliability of such commitments, however, has continuously been questioned, as Cold War debates on the credibility of extended deterrence demonstrated. Moreover, outside of the few security arrangements already in existence such as U.S. alliance commitments to NATO, Japan, and South Korea, assuming mandatory obligations to respond—whether through military action or the provision of other assistance—has largely been perceived as impracticable or undesirable. The United States has had little interest in expanding these commitments.

Positive assurances have not received the same attention as have negative assurances.

The debate should not dismiss the positive assurances previously extended by the United States and other nuclear states; they are serious undertakings. Yet, because positive assurances do not reflect a commitment comparable to those in existing security alliances, which are binding nuclear umbrellas, some nonnuclear states have called for more binding commitments with automatic responses to the threat or use of nuclear weapons. Although prospects for such enhanced positive assurances are not great, today's emerging proliferation threats increase the possibility that the United States might consider expanding its positive assurances. Indeed, Rademaker has suggested the United States is willing to discuss positive assurances with other nuclear-weapon states prior to the 2005 NPT Review Conference.[25] This statement is not recognition of the need for, or an offer to negotiate, a new positive security assurance. It does, however, recognize the emergence of a new security reality. In this same vein, the evolution of U.S. nonnuclear military capabilities, including advanced conventional weapons and defenses, may make it possible to consider credible positive assurances that do not involve U.S. nuclear forces.

The Future of Security Assurances

Security assurances have been an important component of the NPT-centered international nuclear nonproliferation regime. They have been debated for decades, primarily in legal and normative terms, even though they have serious implications for nuclear strategy and deterrence. Since the end of the Cold War, the debate has become more heated. Designed to serve a largely political and symbolic role during the Cold War, countries now expect security assurances to be more credible, but is this possible?

The tone of the current debate largely reflects the Cold War legacy of security assurances. The concerns of a world increasingly threatened by proliferation are only now beginning to be heard. There are real questions about whether old, Cold War–vintage concepts of security assurance really address the security needs of today and whether the focus on achieving universal, unconditional, and legally binding negative security assurances distracts the nonnuclear—and nuclear—states from pursuing creative approaches to both negative and positive assurances that may be politically feasible and that meet all states' security needs.

Despite significant inertia, in a rapidly changing world, security assurances will inevitably change in importance, and they may be expected to change substantively as well. A fundamental reassessment of security assurances is needed if emerging opportunities are to be seized. As suggested, these issues are difficult to address fully in the context of the NPT in a proliferated world wherein some nuclear powers remain outside of the treaty. There is a real prospect today, however, to use NWFZs and state-specific approaches to further common interests in negative security assurances, and add impetus to create new approaches to positive assurances. In both cases, the same changes to the international security environment that have increased the interest in security assurances may also be making new types of security assurances possible and may make them more important as means to address today's greatest proliferation threats.

Notes

1. UN Security Council Resolution 255 (1968).
2. Cyrus Vance, "U.S. Assurance on Non-Use of Nuclear Weapons" (statement, UN General Assembly's First Special Session on Disarmament, New York, June 12, 1978), http://www.clw.org/pub/clw/coalition/vance78.htm (accessed January 30, 2005).
3. The Soviet negative security assurance initially was not conditioned in the same way as those of the United States and the United Kingdom but did exempt nonnuclear states with nuclear weapons deployed on their territories.

4. Warren Christopher, April 5, 1995 (statement regarding declaration by the U.S. president on security assurances for non-nuclear-weapon states-parties to the NPT).
5. UN Security Council Resolution 1984 (1995).
6. NPT/CONF. 1995/32 (Part I, Annex, Decision 2), 1995.
7. Statement by the Republic of South Africa on security assurances at the second session of the preparatory committee for the Year 2000 NPT Review Conference, Geneva, May 6, 1998.
8. NPT/CONF. 2000/28 (Parts I and II), 2000.
9. *A More Secure World: Our Shared Responsibility* (New York: United Nations, 2004).
10. See Hu Xiaodi (statement, 3rd Session of the PrepCom for the 2005 NPT Review Conference, April 20, 2004).
11. "Expounding Bush's Approach to U.S. Nuclear Security: An Interview with John Bolton," *Arms Control Today*, March 2002, pp. 3–8.
12. "Transcript: Perry Media Availability," Ismailia, Egypt, April 4, 1996(expresses concern about Libya's chemical weapons program).
13. Ibid.
14. William Perry (remarks, Air War College Conference on Nuclear Proliferation Issues, Maxwell Air Force Base, Montgomery, Alabama, April 26, 1996).
15. Ibid.
16. Quoted in Wade Boese, "Germany Raises No-First-Use Issue at NATO Meeting," *Arms Control Today*, November/December 1998, p. 24.
17. Quoted in Craig Cerniello, "Clinton Issues New Guidelines on U.S. Nuclear Weapons Doctrine," *Arms Control Today*, November/December 1997, p. 23.
18. Ibid.
19. Quoted in Philipp C. Bleek, "Bush Administration Reaffirms Negative Security Assurances," *Arms Control Today,* March 2002, p. 23.
20. *National Strategy to Combat Weapons of Mass Destruction* (December 2002), p. 3, http://www.whitehouse.gov/news/releases/2002/12/WMDStrategy.pdf (accessed January 30, 2005).
21. Stephen G. Rademaker, "NPT Article VI," Third Session of the Preparatory Committee for the 2005 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons, New York, May 3, 2004.
22. Ibid.
23. "Memorandum on Security Assurances in Connection With Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons," December 5, 1994, p. K-6, http://www.gimun.org./2005/documents/Explanation%20of%20the%20NSA%20Part%202.pdf (accessed January 30, 2005).
24. See Jean DuPreez, "Security Assurances Against the Use or Threat of Use of Nuclear Weapons: Is Progress Possible at the NPT Prepcom?" Center for Nonproliferation Studies, Monterey Institute for International Studies, April 28, 2003.
25. Rademaker, "NPT Article VI."