



Newsletter

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Dear Friends,

This PENN-Newsletter arrives at your hands much later than planned. One major reason is that the W. Alton Jones Foundation, that so generously supported the PENN-Project for many years, went out of business. BITS has been receiving a major part of its funding from W. Alton Jones. Thus, we are currently concentrating on efforts to attract alternative funding. It is entirely possible, that we will be forced to discontinue the PENN-Newsletter, even though we still hope to be able to produce one or two issues per year. Nevertheless, this issue again provides you with our analysis of important developments, such as the new SORT-Treaty, which is an excellent example for the Bush-administrations new approach to arms control and disarmament. The newsletter also looks at attempts in the U.S. to get the development of new nuclear weapons underway and reports on the most recent developments in European Security.

Analysis

Arms Control à la Bush

During the American-Russian Summit on May 23rd - 25th the Presidents George W. Bush and Vladimir Putin have signed the "Strategic Offensive Reductions Treaty" (SORT), a legally binding arms control treaty, which commits both countries to reduce their operationally deployed nuclear forces to between 1.700-2.200 warheads by 31.12.2012. This comes as quite a surprise! The Bush administration, known to be deeply sceptical of any arms control, has signed a new arms control agreement. But what a treaty! The new arms control agreement is barely comparable to earlier arms control treaties.

A Treaty is a Treaty

"Having a treaty is still better than having no treaty" may have been the Kremlin's final judgement while being engaged by the Bush administration in negotiations over the ABM Treaty and the future of the START Process. Obviously, the U.S. was much more interested in gaining flexibility and a free hand for developing a new concept of deterrence than in negotiating a substantial arms control treaty. SORT provides for reductions of deployed strategic warheads on a smaller scale than envisaged within the START Process. It allows Russia to keep multiple-warhead heavy ICBMs and places no specific limits on any of the other delivery systems. It allows both parties to keep non-deployed strategic nuclear warheads according to their national needs. Both parties can leave the treaty upon three months notice, "exercising national sovereignty" concerns and not the usual "supreme national interest". Stephen Sestanovich of the U.S. Council on Foreign relations rightfully called the Bush administrations approach a "quick and dirty" one.

SORT it out

Bush Administration's Arms Control

The Bush administration's approach to arms control has been correctly dubbed "multilateralism à la carte" by Richard N. Haas. The administration is said to look at each individual treaty separately and to judge whether it is (still) in the U.S. interest to adhere to the specific treaty. On this basis, a political decision will be made on the future of the treaty.

The results of this approach so far were disastrous for many arms control regimes. The Bush administration has collected an impressive record of deregulation in the field of international relations and arms control. The Bush administration

- withdrew from the ABM Treaty, a step that substantially widens its flexibility to work on missile defence but also making military use of space;
- withdrew from negotiations on and thus prohibited the conclusion of a verification protocol, strengthening the Biological Weapons Convention. Biological weapons are a major proliferation concern.
- prevented limited measures to restrict the illicit trade in small arms during a UN sponsored conference in 2001
- withdrew President Clinton's promises, that the U.S. would end the use of anti-personnel-mines in 2006 and join the Ottawa Convention.
- withdrew President Clinton's signature to the Rome Convention on the International Criminal Court.

Similar initiatives regarding other treaties can be easily found circulating among administration members.

Some suggest, that the INF-treaty should be judged no longer as useful, since it only binds the U.S. and Russia to abstain from deploying missiles with a range from 500 to 5.500 km. Others are keen to attack the verification regime for the Chemical Weapons Convention. Further examples could be added. The only arms treaty absolutely secure from this shift towards deregulation seems to be Nuclear Non-Proliferation Treaty.

SORT and Nuclear Modernization

The treaty contains no provisions against developing new (generations of) nuclear weapons. This reflects the administration's belief, that sooner or later new types of nuclear weapons, especially weapons for use against deeply buried and hardened targets, but also possibly very low-yield weapons, might become desirable. Already attempts are made to legally pave the way in Congress. If majorities in the Senate would change as a result of the November mid-term elections, almost certainly the development of new nuclear weapons will be approved. Those, who would like to resume nuclear testing are among the strongest supporters. The SORT treaty expires after ten years. This leaves it to future decisions, whether the treaty will be extended or replaced by another agreement which would further reduce the number of deployed and reserve nuclear warheads. It could also be simply allowed to expire. Therefore, the judgement by the non-nuclear members of the NPT is predictable: The SORT agreement is no proof that the U.S. and Russia are working towards the elimination of nuclear weapons "in good faith". (ON)

U.S. Nuke Proposals Pose Threat to Global Security - Instability also Seen in U.S. Congress

A drive for new nuclear weapons has been a significant focus of the Bush administration, but the aspirations for these new tools in the U.S. arsenal is not a new one. The United States has discussed, researched, and sought development of low-yield nuclear weapons for many years, but only during the current administration could key nuclear proponents assume offices of power and give the subject sufficient political traction to make their wish to expand the arsenal a reality.

While the U.S. agreement to dramatically reduce arsenals in tandem with Russia should be applauded, the goodwill gesture is accompanied by ominous enhancements to U.S. military capabilities. The standard Cold War deterrence methods will not work in this new era that offers a wider spectrum of threats, from advanced conventional military capabilities to asymmetric threats posed by weapons of mass destruction (WMD). The Bush administration's Nuclear Posture Review (NPR) maintains that a "new mix" of nuclear, non-nuclear, and defensive capabilities "is required for the diverse set of potential adversaries and unexpected threats the United States may confront in the coming

decades". The new nuclear posture, integrated with conventional weapons and expanded to highlight defensive systems and research & development (R&D), will serve to assure allies that U.S. capabilities are comprehensive enough to "dissuade, deter, [and] defeat" enemy attacks.

However, not all components of the "new mix" are available in the U.S. arsenal yet, according to the report. Certain missions cannot be carried out with present U.S. technologies, either conventional or nuclear, so the NPR suggests further R&D to decide on the most effective means of accomplishing the tasks. Among the missions that the Pentagon seeks to accomplish:

- Hold at risk mobile and relocatable targets;
- Defeat critical fixed and mobile targets at long ranges;
- Increase the number of targets for each mission;
- Develop a new strike system for the submarines converted to conventional arming; and
- Defeat hard and deeply-buried targets (HDBTs). [NPR p. 24-25]

The last point has stirred up great debate in Washington and beyond because the development of 'bunker busters' includes researching the efficacy of using not only conventional arms, but also nuclear weapons.

Defeating Hard and Deeply-Buried Targets

The NPR explains that conventional capabilities, while robust, may not have enough force to defeat a hard and deeply-buried target. The DoD highlighted HDBTs as a forthcoming challenge for U.S. capabilities in a report sent to Congress in October 2001. It defined HDBTs as "an adversary's threatening and well protected assets in structures ranging from hardened surface bunker complexes to deep tunnels". Buildings and facilities that an adversary may harden or construct underground could serve as leadership shelters, host command and control operations, house defense system activities or allow production of weapons of mass destruction. According to the DoD report to Congress, U.S. intelligence estimates there are over 10,000 HDBTs worldwide, and anticipates a significant increase in this number in the coming decade.

Since current U.S. conventional capabilities do not permit the accurate and complete destruction of such a potential target, further development of nuclear capabilities in the U.S. arsenal are suggested as the likely way forward. The B61-11 gravity bomb is the only earth-penetrating nuclear weapon in the U.S. arsenal, but its limitations show the need for a more effective earth-penetrating weapon. According to the report, "many buried targets could be attacked using a weapon with a much lower yield than would be required with a surface burst weapon. This lower yield would achieve the same damage while

producing less fallout". [NPR p.47] To carry forward this mission, the Department of Energy's National Nuclear Security Administration (NNSA) would establish advanced concept teams at the U.S. nuclear weapons laboratories to begin further research into improved earth penetrating weapons to defeat HDBTs. Gen. John Gordon, head of the NNSA, told a Senate committee in February: "The teams will carry out theoretical and engineering design work on one or more concepts, including options to modify existing designs or develop new ones."

In addition to establishing concept teams at the U.S. nuclear weapons laboratories, the NPR also calls for a feasibility study and a design definition and cost study to be undertaken, with the aim of determining whether an existing warhead could be modified to offer greater penetration than the B61-11. According to testimony by Gordon in March, the three-year study would cost about \$45 million, and would examine both the B61 and the B83 warheads for modification.

Any change in the composition of the U.S. nuclear arsenal composition prompts the question of whether further full-scale testing should take place to ensure the yield, capability, and safety of the weapon. Since introducing the idea of low-yield nuclear weapons to defeat HDBTs, the Bush administration has emphasized that the current unilateral moratorium on nuclear testing will continue into the foreseeable future. However, both the leaked NPR sections and the ensuing testimony to Congress throughout early 2002 indicated the Bush administration's intent to resume nuclear testing. The NPR's "New Triad" actually helps build the concept into defense planning by including a "responsive defense infrastructure", outlining initiatives to restore the production infrastructure and ways to pass warhead design knowledge on to a new generation of nuclear weapons specialists.

Clearly anticipating the technological challenges of developing a low-yield nuclear weapon, the Bush administration's recent policy reports and testimony from officials also points to renewed nuclear weapons testing in the future. Gordon, while upholding the quality of his department's stockpile stewardship capacity, also warns: "There are no guarantees. It is only prudent to continue to hedge for the possibility that we may in the future uncover a safety or reliability problem in a warhead critical to the U.S. nuclear deterrent that could not be fixed without nuclear testing."

Partisanship Divides Congress

At present, the issue is strongly dividing Congress, which itself is controlled by differing forces. The Republican-controlled House, for example, passed a defense budget on May 10th that included authorization for research into a low-yield earth penetrator, as well as sanctioning research into 'mini-nukes,' weapons with a yield of five kilotons or less. Rep. Curt Weldon led the charge for the GOP,

masking the mini-nuke legislation within a bill supporting transparency between the United States and Russia on their nuclear facilities. He also shepherded efforts to defeat an amendment to strike the funding requested by the Department of Energy for bunker buster research.

However, the Democrat-controlled Senate is envisioning a different future for nuclear weapons policy. The Senate Armed Services Committee recently passed its version of the budget, removing the authorization for low-yield nuclear weapons research and setting up a possible showdown with the House: the two versions of the budgets must be reconciled between both chambers before going to the President for his approval.

No matter what the outcome in Congress, however, the Bush administration has developed a powerful policy stance that would cast the world into far greater global insecurity. With a long-standing history of pursuing low-yield nuclear weapons, and key nuclear advocates in positions of influence in Washington, international arms control and non-proliferation suddenly toil in the shadows of a more powerful, dangerous U.S. nuclear presence. (CK)

NPT Preparatory Committee Meeting

Without much fanfare or notice, the first Preparatory Committee meeting for the 2005 Review Conference of the Parties to the Treaty on Nuclear Non-Proliferation (NPT PrepCom) concluded in New York on Apr. 19th after passing a procedural document.

Due to a flimsy mandate for the first PrepCom prior to the 2005 Review Conference, this meeting did not attempt to achieve consensus on any matters. Instead, PrepCom chair Amb. Henrik Salander opted to append his "Chairman's Summary" to the back of the procedural document in an effort to avoid more divisive debate among delegates while issuing a factual summary of the meeting's proceedings.

Delegates felt that the chair's factual summary would be a reasonable way to close this meeting, the first of three prior to the next NPT Review Conference in 2005. With many significant international events in the past year, and countries uncertain of the best path to take to shore up the NPT by 2005, a simple description of the meeting's themes was overwhelmingly affirmed as the most useful way to take the temperature of the international non-proliferation regime without raising new disagreements, stalemates, or other obstacles.

Salander stood by his promise to issue a factual review of key issues, concerns, and ideas raised during the course of the PrepCom. Balanced and thorough, Salander sought to reflect an accurate sense of the meeting – and it is to his credit that he largely achieved this difficult task.

Nuclear disarmament commitments by the five nuclear states, combined with non-proliferation efforts, were cited as essential, to the continued success of the NPT as an effective treaty. Specific reference was made to Article VI of the NPT, which commits states to pursuing "good faith" negotiations on nuclear disarmament. The statement notes that "without the fulfillment of Article VI over time, the Treaty... will lose its true value".

The topic of negative security assurances was highlighted in statements from non-nuclear weapon states, especially since the assurances are seen as a part of the "bargain" given by nuclear-weapon states to win the indefinite extension of the NPT in 1995. The issue was lent further importance in light of the recent US Nuclear Posture Review (NPR), which indicated a willingness on the part of Washington to target certain NPT non-nuclear weapons states with nuclear weapons. Concerns about Britain's security assurances were also raised during the conference, following recent comments by U.K. Defense Secretary Geoff Hoon regarding the possible use of nuclear weapons in a future conflict with Iraq. These fears were later refuted in a statement by the U.K. delegation.

Some countries raised the need for reductions in the role, and eventually the numbers, of non-strategic nuclear weapons. The final summary included the idea floated by Germany during the PrepCom of formalizing the Presidential Nuclear Initiatives of 1991 and 1992.

The Chairman's Summary, which aimed to reflect the balance among the varied topics of discussion throughout the meeting's duration, met with both criticism and acclaim among delegates. One French delegate suggested that the critiques levied by non-nuclear weapon states that the nuclear weapon states have not seriously embarked on steps toward disarmament received excessively lengthy attention in the document. Meanwhile, he noted, other issues such as peaceful uses of nuclear energy, discussed at length during the PrepCom, warranted only a short passage in the summary. Other countries commended Salander for successfully reflecting the many competing concerns and producing a document that was both balanced and substantive. (CK)

CESDP under the Spanish Presidency of the EU

The Common European Security and Defence Policy (CESDP), which the European Union began developing at the Cologne Summit three years ago, is bound to materialise soon in the conduct of at least one operation in the Balkans. Less than three months time after the EU declared its operational readiness, it agreed to take over two missions already underway in the region. First, an EU police force will replace the UN International Police Task Force (IPTF) in Bosnia - Herzegovina as of January 2003. Also, the European Council announced in Barcelona on 15 - 16

March the Union's availability to take over NATO's current peacekeeping operation in Macedonia, "Amber Fox". However, the Spanish Presidency only managed to overcome other EU members' initial reluctance to this proposal by making its actual conduct conditional on the conclusion of the long-expected arrangements with NATO over the EU's access to its capabilities.

This central agreement has been impending for almost two years. Successive presidencies of the EU have failed to achieve an understanding with Turkey, which has been consistently unwilling to grant the EU assured access to NATO assets. With Ankara demanding participation in the political control of EU operations having recourse to Alliance assets, and Brussels insisting that it would not grant it, the situation has long remained blocked. Failure to reach this agreement has been the single biggest miscalculation in the construction of CESDP, threatening the Declaration of Operational Capability of the Union scheduled for last December. Although this declaration eventually took place, many observers considered it to be a merely symbolic step. In fact, European options for action remain modest without access to Alliance assets. This circumstance created an obvious problem of credibility for the newly born CESDP. Countering this lack of credibility has probably been one of the main incentives for the EU's decision to take over the Balkan missions.

Nevertheless the credibility of CESDP will be increasingly undermined if the accord is not reached soon. The issue has become so pressing that the EU should start considering other ways of solving the problem. The British analyst Charles Grant has suggested that, in the absence of access to NATO's SHAPE structure, the EU should draw on national planning staffs.

The Spanish Presidency's most remarkable single contribution is the boosting of measures to combat terrorism. These initiatives, which encompass sensitive issues such as the co-ordination among the member states' intelligence services, are not surprising. After years of quarrelling with its European partners over the extradition of E.T.A. terrorists, Spain is exploiting the momentum of the fight against terrorism to push for some ambitious measures at the Council.

These do not only include wide ranging measures in the realm of Justice and Home Affairs, such as the creation of an European Enforcement Order, the convergence of anti-terrorist legislation in the member states, or the strengthening of EUROPOL and EUROJUST; it is spilling over to CEPSP. It became evident when the Presidency proposed to include the fight against terrorism in the objectives of CESDP, and provide it with the means necessary to fulfil that objective. Spain justifies this inclusion on the grounds that, while the terrorist threat is not contemplated in the Petersberg missions, the Treaty on European Union envisages among its objectives the "defence of the interest and security of the Union

in all its forms". This is a daring proposal for two reasons. First, it blurs the distinction between internal and external security of the state, transgressing a dividing line that has remained untouched so far. Second, it would entail a redefinition of the CESDP concept before it is entirely in place. Following the U.S. mission in Afghanistan, the Spanish Presidency has not been the only one to suggest a revision of CESDP's objectives. Some analysts have accurately pointed out that small Special Forces trained to deal with multiple intensity missions can be more helpful than the corps- sized forces envisaged in the Headline Goal.

As for the rest of the works conducted by the Spanish Presidency, they can be described as routine follow up to the agreements already reached, with an emphasis in bolstering the achievement of the operational objectives. This includes the conduct of the Union's first ever crisis management exercise, CME-02, which took place successfully last May. A noteworthy novelty in the CESDP programme is the framing of public opinion objectives. As the CESDP begins to gain visibility, EU leaders are becoming aware of the need to explain to the broad public what European Defence is all about and why it is needed. After all, some public support is a precondition for the CESDP to succeed. The increases in defence budgets required to increase defence procurement and overcome the capabilities gap need to be approved by national parliaments, and the same is true for the decisions to deploy troops abroad.

However, it seems that the difficult task of selling the case for European Defence will be pursued with rather modest means. The Presidency has proposed to bolster the Mediterranean security dialogue in the context of the Barcelona process, and to reaffirm the applicability of International Humanitarian Law in the conduct of EU operations. These initiatives come to complement the Belgian Presidency proposal of publishing a White Paper on European Defence aimed at informing national parliaments as well as the general public. (CP)

The European Union and the "Sovereignty" Problem

No matter how long the process might last – the final aim of European integration is the creation of a single state. In regard to external relations, the Treaty on the European Union includes the objective "to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the progressive framing of a common defence policy, which might lead to a common defence, in accordance with the provisions of Article 17 (...)" (TEU, Title 1, Article 2) Thus, European governments must not only be concerned about their national sovereignty but also the sovereignty of that future state entity "Europe". The same holds true for the existing European institutions, like the European Council and the

European Commission. They need to act as if the "European State" already exists as a consolidated state entity, independent of other decision-making structures, since states only accept limitations to their sovereignty on a mutual basis.

These circumstances make the European Union a very different institution in character and principle compared to international or multinational institutions like NATO. Other international institutions and states dealing with the EU always should keep this duality in mind in order to reduce misunderstandings and disappointments.

While this problem is often not really understood or sometimes even neglected, it is in no way new, as an historical example shows: during the NPT negotiations, then-US Secretary of State Dean Rusk answered in a side letter to the US Senate ratification package - and thus of the U.S. legal understanding of the NPT - some questions asked by the European allies. One dealt with Europe becoming a single state in the future: "Would the draft [NPT] prohibit the unification of Europe if a nuclear weapon state was one of the constituent states?" The answer read: "It does not deal with the problem of European unity, and would not bar succession by a new federated European state to the nuclear status of one of its former components. A new federated Europe state would have to control all of its external security functions including defense and all foreign policy matters relating to external security, but would not have to be so centralized as to assume all governmental functions. While not dealing with the succession by such a federated state, the treaty would bar transfer of nuclear weapons (including ownership) or control over them to any recipient, including a multilateral entity." The example demonstrates that at the time the U.S. administration was willing to reassure its European partners in writing that the sovereignty of a future "European State" to decide whether or not to become a nuclear power would not be limited by the U.S.

Today, the same problem surfaces most visibly in the debates between the European Union and the U.S., NATO, Turkey and Greece on the EU's autonomy of decision-making regarding the European Security and Defense Policy. Curiously though, the problem seems to be much less understood now than it was at the time of negotiating the NPT. The European Union needs to retain its authority to decide unilaterally on questions of war and peace and military interventions as well as the capabilities to implement the decisions. Neither the risk of duplicating NATO capabilities nor recommendations by non-EU-members who want to have a say in EU-decisions constitute an overriding argument. It can't accept a limitation to the sovereignty of a future "European State" even if the sovereignty of the present individual European nation states remain unaffected. Accordingly, the Treaty of the European Union demands that the member states "shall refrain from any action which is contrary to the interests of

the Union or likely to impair its effectiveness as a cohesive force in international relations". (TEU, Title 5, Article 11)

Therefore it has to be understood that in principle the European Union can neither surrender part of its sovereignty to a multinational organization, such as NATO, nor to single nations, such as the U.S. or Turkey. No nation state or international organization should propose that Europe accept limitations that these nation states and organisations would never accept for themselves. (ON)

Short Reports

Russia to leave START-2

Russia will no longer feel bound to the controversial START-2 Treaty once the U.S. has left the ABM-Treaty on June 13, 2002. The Russian Foreign and Defense Ministries have prepared a decision to that effect. START-2 contains commitments which present major hurdles for Russia maintaining 1,700 – 2,200 operationally deployed nuclear warheads by 2012, as agreed under the new Strategic Offensive Reductions Treaty. The most important one is Russia's commitment to give up all of her multiple warhead ICBMs, especially the SS-18 Satan missiles, which can carry 10 warheads. No longer bound by the treaty, Russia could try to implement a service-life extension program for these weapons and if successful keep the more modern versions of this missile operational for a longer time. Experts estimate that the service life can be prolonged until 2015.

Within the START-2 limitations it had been expected that Russia's arsenal would decline to fewer than 1,000 operationally deployed strategic warheads over the decade to come. While such a Russian move would slow down strategic nuclear reductions on the one hand, it would also give Russia additional time to buildup her new Topol-M missile force. For financial reasons this program is proceeding much slower than planned. Neither the new Strategic Offensive Reductions Treaty nor the U.S.-Russian Joint Declaration signed during the Moscow Summit contain any reference to the START-2-Treaty. (ON)

The U.S. to leave the CTBT?

High ranking members of the US administration are preparing a decision for Washington to withdraw President Clinton's signature from the Comprehensive Test Ban Treaty (CTBT). Promoted by the Pentagon and specifically by Undersecretary Douglas Feith, proponents believe that the Treaty is not in Washington's interests. Nuclear tests might become necessary again, either because operational nuclear warheads might show unpredicted reliability problems, or because new nuclear weapon designs could require live tests. From their perspective, maintaining the moratorium on nuclear testing for the time being

but keeping the option and flexibility to restart testing if need be serves U.S. interests better than the non-proliferation effect of the treaty could. (ON)

Retired Senior US Commander Recommends "Zero Tacnukes"

Admiral Bill Owens, the former Vice Chairman of the Joint Chiefs of Staff, recently issued a strong call for reducing tactical nuclear weapons to zero. During a hearing of the Senate Foreign Relations Committee on the Nuclear Posture Review, Owens said on May 16: Now that we begin "to see the Russians more like England and France than like the old Soviet enemy, then we should have very much on the table this issue of tactical nuclear weapons (...) and really get to the core of getting rid of them if we can. A part of this is our own problem (...) because) many policymakers in our country believe the NATO nuclear force is critical to holding NATO together and to having a genuine capability against what I'm not sure, unless it's the Russians (...) So (...) it just seems to me that we should find a way to come to grips with the fact that NATO does not need a nuclear force...and that should be step one in leading us to a decision to go to zero on tactical nuclear weapons and dramatically affect the business of proliferation." Senator Biden, the Chairman of the Committee commented: "Admiral, you're doing today what you did when you were at the Pentagon, and that is forcing people to think a little out of the box here." (ON)

HASC Report on financing the Cooperative Threat Reduction

Presently the National Defense Authorization Act for Fiscal Year 2003 is being debated in the U.S. Congress. Submitted by the administration on February 4th, the House Armed Service Committee (HASC) has completed its markup and made some minor changes.

The administration's fiscal year 2003 budget requests \$417 Mio. for the Cooperative Threat Reduction (CTR) programs of the Department of Defense. This would be a slight increase from the previous year but still below the \$443 Mio. allocated for fiscal year 2001. Although the administration request and HASC Report agree on the absolute numbers for CTR, the HASC report recommends cutting \$83.6 Mio. of \$133.6 Mio. of the funding for the chemical weapons destruction activities in Russia out of concern that Russia is not fulfilling its commitments under the Chemical Weapons Convention. Instead the \$83.6 Mio. should be made available for funding of the strategic offensive arms elimination in Russia, nuclear weapons transportation and storage security. This would more than balance the proposed cuts by the administration of \$69 Mio. In addition the Department of Defense plans to use unobligated prior year balances for these programs.

Furthermore the HASC proposed three new provisions. Especially the provision for Sec. 1307 might lead to a general debate about the future of the CTR program. This provision wants to prohibit the expansion of the CTR program to states outside the former Soviet Union. At the same time Senator Richard Lugar (R-IN) introduced legislation on March 18th that would allow the Defense Department to pursue CTR projects outside the former Soviet Union and to spend up to \$50 Mio. (CS)

NTI's jumping on the bandwagon of the "Global Coalition against Terrorism"

The Nuclear Threat Initiative (NTI) was launched by Ted Turner on January 8th, 2001. He pledged donations of \$250 Mio. over five years to support the aims of NTI. In 2002 NTI published its first annual report, concentrating mainly on a description of the initiative and supported programs, on which a total of \$ 26 Mio. were spent. But after the attacks of the 11th of September and the changed relationship between the U.S. and Russia, the focus of activities was bound to change. NTI co-Director Sam Nunn announced the launching of a "Global Coalition against Catastrophic Terrorism" during his visit to Moscow on the 27th of May 2002. Terrorist use of weapons of mass destruction was identified as the most likely and most immediate threat. To counter this threat, he envisions the nuclear powers joining their efforts to reduce access to weapons material for supposed terrorists. Beginning with the U.S. and Russia this coalition is supposed to expand to include China, India and Pakistan, among others.

It remains to be seen whether this "Global Coalition" is not too ambitious and jumping ahead of the existing problems of mistrust and intransparency among the official and unofficial nuclear powers. (CS)

Sub-triangles for Taiwan

When US President George W. Bush promised Taiwan help to procure 8 diesel-powered submarines experts wondered how he could do it. For decades the US had not produced a single non-nuclear submarine and European yards, experienced in designing and building such submarines were not likely to get export licenses to help out.

However, recent developments have changed the situation. In a surprise move One Equity Partners (OEP), a US investment fund, acquired 75% of the shares of the world's leader in conventional submarines construction, Howaldt-Werke Deutsche Werft AG, HDW. OEP can buy the remaining 25% sometime in the future. Immediately speculation arose as to how this might affect the US promise to Taiwan. Was OEP acting on behalf of US naval yards interested in building submarines for Taiwan? Would Taiwan get access to Germany's most advanced submarine technology, such as the Air Independent

Propulsion system incorporated in the new class of U-212 submarines for the German Navy?

While most of the speculation is unlikely to ever be substantiated, two options need serious consideration. First, the US could opt to build submarines for Taiwan based on an HDW design, such as the 209 class, while trying to reduce the share of German components to below 20, or 10% of the value of the project, thus easing the export license requirements. Second, the US could look out for an HDW submarine design to be obtained from a third party. The third party of choice might be Israel, which is highly interested in arms exports bringing hard currency into the country's empty pockets. HDW recently built three very advanced Dolphin-class submarines for Israel. Their design is available to both HDW and Israel, since the design of the submarines was developed under Israeli guidance during the eighties. Obtaining the submarine design from Israel and reducing the share of German components necessary to construct the submarines in either the US or Taiwan might provide the Bush administration with an option to deliver on its promise.

However, there are very high political risk: the Dolphin design is known to be unique in the Western world. These submarines have four 650mm torpedo tubes in addition to six normal 533mm tubes. The four additional tubes are believed to give the Dolphin class a naval nuclear weapons delivery capability, which Israel has been desperately seeking for years. In case the second option is chosen, Taiwan might indeed get a nuclear capable carrier system. (ON)

Nuclear Missile Defense – Once again?

More than 25 years ago, US Secretary of Defense Donald Rumsfeld took the decision to eliminate a whole category of nuclear weapons namely nuclear-tipped missiles operated in a missile defense role. This year Rumsfeld began to revisit his former decision. The Secretary tasked the Defense Science Board, a major Pentagon advisory body, to conduct a study on the possible benefits of deploying nuclear armed missile interceptors as part of the controversial US missile defense system.

While critics of the Bush administration's missile defense plans were quick to argue that Rumsfeld's move represents an indirect admission that the conventional only interceptor technology currently under development will fail to be effective, the motive for Rumsfeld's step remains somewhat clouded. While some argue that it might represent a reintroduction of game-theory-based elements in the preparation for decision-making, others speculate that the Pentagon might just be interested in developing another cause for developing new nuclear warheads requiring nuclear testing. (ON)

PENN - Suggested Readings

“NATO’s Nuclear Posture Review”: A policy note, written by Otfried Nassauer in early 2002, highlights that NATO is in the process of reviewing its requirements and the deployment of dual capable aircraft. They are the backbone of the Alliance’s nuclear sharing system. The review will produce recommendations to be presented by the High Level Group to the Alliance’s Defense Ministers Meeting in early June. The results of this review will affect the Alliance’s nuclear future, prepare for a decision on introducing a new generation of nuclear capable aircraft and probably also have implications for the role of nuclear weapons in the Alliance’s strategy. The policy note reviews the arguments backing continued nuclear sharing and argues that NATO’s non-nuclear countries participating in nuclear sharing could and should give up the technical capability to employ US nuclear weapons in times of war. The policy note can also be found on the BITS-website at <http://www.bits.de/frames/publib.htm>

A new section on the Cooperative Threat Reduction Program (Nunn-Lugar-Program) has been added to the NATO-Russia archive on www.bits.de. As in the other archives readers can expect to find a large amount of primary sources, reporting and analysis accessible from one place which to find otherwise require long searches or intensive browsing. We hope our readers will make use and advise us on useful additions.

BASIC’s analysis of the NPR: “Planning to be Surprised - The US Nuclear Posture Review and its Implications for Arms Control” is the title of Mark Bromley’s analysis of the recent US Nuclear Posture Review. While many other descriptions are focusing on plans for nuclear modernization, Bromley’s analysis also looks at the consequences for arms-control. The BASIC Paper (No. 39) is available online at <http://www.basicint.org/BP39.htm>

The most detailed review of the implications of the NPR has been prepared by the Natural Resources Defense Council and is entitled “Faking Nuclear Restraint: The Bush Administration’s Secret Plan For Strengthening U.S. Nuclear Forces”. This document can be found at <http://www.nrdc.org/media/pressreleases/020213a.asp>

Forthcoming: Christine Kucia and Mark Bromley at BASIC are preparing an in-depth analysis of US plans to modify existing nuclear weapons and to develop new ones. Their report is forthcoming soon. If interested, please watch out at www.basicint.org.

"The Dubious Legality of the Use of Force after Sept 11th", BITS Research Note 02.1 prepared by Clara Portela, analyses the legal basis of the use of force in response to the Sept. 11th attacks. This paper shows that the UN Security Council’s legitimisation of an anti-terrorist operation on the basis of self-defence has marked a breakthrough in International Law. After concluding that self-defence is an inappropriate legal basis for anti-terrorism missions, it makes the case for the drafting of a new specific legal regulation.

PENN – From the Network

Uncertain Future

The PENN network is facing an uncertain future. For most of its European members the W.Alton Foundation has been one of or even the major sponsor of their work. For the network itself W.Alton Jones was the sole sponsor. The generous and increasing support of W. Alton Jones was the core backing for PENN’s successful work over more than six years. With W. Alton Jones having gone out of business and no replacement in sight, in all likelihood it will be very difficult to find the substantial amount of money necessary to carry on in so many different countries and on both sides of the Atlantic. Alton Jones was also one of the few US foundation spending heavily on overseas grants. The foundation was very generous and helpful up to the last days of its existence. Some PENN-members received “outgoing grants” to help their transition. For us, it is time to say a huge “Thanks” to both the Foundation and its staff members, so committed to the field of nuclear disarmament. We hope we will be able to carry on. (CS)

BITS would like to thank the W. Alton Jones Foundation for its generous support to the PENN project.

ViSdP / Responsibility at BITS: Otfried Nassauer (ON) and authors indicated: Christine Kucia (CK), Gerhard Piper (GP), Clara Portela (CP), Christopher Steinmetz (CS)

Corrigendum: Clara Portela should have been named as a co-editor in the last edition of the PENN-Newsletter.

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