

A New Non-Proliferation Strategy

Conference on Transatlantic Security and Nuclear Proliferation
Rome, Italy
10-11 June 2005

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Some argue that with the end of superpower conflict, the world confronts a fundamentally different proliferation problem. Although the nonproliferation regime may have worked in the past, they doubt the holdouts can be convinced to adopt the same norms as those held by the regime founders. Key officials in the George W. Bush administration believe that the entire process of negotiating and implementing nonproliferation treaties is both unnecessary and harmful to U.S. national security interests. They argue that some of the treaties—such as the Comprehensive Nuclear Test Ban Treaty, the Anti-Ballistic Missile Treaty, and the Landmine Treaty—restrict necessary armaments, thus weakening the principal nation that safeguards global peace and security. Other treaties, such as the CWC and the BWC, promote a false sense of security as some nations sign, then cheat on the agreements.

The Bush administration therefore has implemented a radically new nonproliferation approach. Previous U.S. presidents treated the weapons themselves as the problem and sought their elimination through treaties. President Bill Clinton, for example, warned in November 1998 of the threat “posed by *the proliferation of nuclear, biological, and chemical weapons and the means of delivering such weapons*” (italics added). President Bush framed the issue differently in his 2003 State of the Union address: “The gravest danger facing America and the world is *outlaw regimes that seek and possess nuclear, chemical, and biological weapons*” (italics added). The Bush administration thus changed the focus from “what” to “who.” This corresponds to a strategy that seeks the elimination of regimes rather than weapons.

This action-oriented approach has been detailed in two key documents—*The National Security Strategy of the United States of America* (September 2002) and *National Strategy to Combat Weapons of Mass Destruction* (December 2002)—in which the administration stated its view that the threat from weapons of mass destruction emanates from a small number of outlaw states and from the nexus of these states, nuclear weapons and materials, and terrorists.¹

The first direct application of this theory was the war with Iraq. There had been previous applications of military force to deal with proliferation threats, but this was the

world's first nonproliferation war, a battle fought primarily over the perceived need to prevent the acquisition or transfer of nuclear, biological, and chemical weapons.

The new strategy, however, has not yet proved superior to the one it replaced. Since 2000, proliferation problems have grown worse, not better. Libya has been an unqualified success, as that nation has abandoned decades of work on nuclear and chemical weapons and missile programs. But Iran has accelerated its program—whether peaceful or not—in the past few years. So has North Korea. That country ended the freeze on its plutonium program, claimed to have reprocessed the plutonium into weapons, withdrew from the Non-Proliferation Treaty (NPT), and declared itself a nuclear weapon state. Globally, the threat from nuclear terrorism has grown as U.S. intelligence officials have concluded that the Iraq War made the terrorism problem worse and supplies of weapons and weapons materials remain dangerously insecure.² Though U.S. attention focused on the three “axis of evil” states, the nuclear black market of Pakistan’s A. Q. Khan spread nuclear weapons technology and know-how around the world. It is not clear if this network has shut down or merely gone further underground.

Meanwhile, the United States and Russia have ended the process of negotiating reductions in their nuclear arsenals, and the reductions themselves are proceeding at a slower pace than previous administrations planned. Finally, there is growing concern that the entire nonproliferation regime is in danger of a catastrophic collapse. The NPT Review Conference of May 2005 ended acrimoniously, failing to act upon the consensus of the vast majority of states for stronger nonproliferation and disarmament efforts or to adopt any of the dozens of creative suggestions proposed by many of the nations present.

Some believe that the Bush strategy, or some modified variation, could still prove its worth. Many countries are cooperating in the Proliferation Security Initiative to interdict illegal trade in weapon components. There is a much greater willingness internationally to enforce nonproliferation commitments. The right combination of force and diplomacy could yet result in negotiated solutions to the North Korean and Iranian programs. And prospects for peacefully resolving regional conflicts may have increased through the growing movement for democracy in the Middle East and Central Asia.

Elements of a New Nonproliferation Policy

A combination of approaches may offer the best chance of success. There is the need for a new strategy that combines the best elements of the US-centric, force-based approach with the traditional multilateral, treaty-based approach. For example, the European Union has crafted a joint nonproliferation strategy that includes tying all E.U. trade agreements to the observance of nonproliferation treaties and norms. This “soft power” approach could meld with the “hard power” of the United States to replicate the success of the United States and United Kingdom with Libya. The Libyan model could emerge from and prevail over the Iraq model: Change a regime’s behavior rather than change the regime.

The theory and practical applications of a new approach have been detailed in a 2005 Carnegie Endowment report, *Universal Compliance: A Strategy for Nuclear Security*.³ This report analyzes how to end the threat of nuclear terrorism by implementing comprehensive efforts to secure and eliminate nuclear materials worldwide and to stop the illegal transfer of nuclear technology. The strategy would prevent new nuclear weapon states by increasing penalties for withdrawal from the NPT, enforcing compliance with strengthened treaties, and radically reforming the nuclear fuel cycle to prevent states from acquiring dual-use technologies for uranium enrichment or plutonium reprocessing. The threat from existing arsenals would be reduced by shrinking global stockpiles, curtailing research on new nuclear weapons, and taking the weapons off hair-trigger-alert status. Finally, greater efforts would be devoted to resolving the regional conflicts that fuel proliferation imperatives and to bringing the three nuclear weapon states outside the NPT into conformance with an expanded set of global nonproliferation norms.

The Carnegie approach recognizes the contributions of the Bush administration initiatives that, for example, correctly draw international attention to the need for serious enforcement. For many years, too much attention had been paid to obtaining signatures on treaties and not enough to achieving compliance with them. The absence of a collective political will to stop bad actors—by force if necessary—undermined deterrence. The United States itself had routinely made proliferation concerns secondary to other strategic and economic issues in relations with key states such as Pakistan, Israel and Iraq.

However, if stopping the spread of nuclear weapons requires more international resolve than previous administrations could muster, it also demands more genuine international teamwork than the Bush administration recognizes. Nuclear weapons and fissile materials are problems wherever they are, not just in a handful of “evil” states. The threat cannot be eliminated by removing whichever foreign governments the United States finds most threatening at any given time. History has repeatedly shown that today’s ally can become tomorrow’s problem state. Moreover, terrorists will seek nuclear weapons and materials wherever they can be found, irrespective of a state’s geopolitical orientation.

The United States cannot defeat the nuclear threat alone, or even with small coalitions of the willing. It needs sustained cooperation from dozens of diverse nations—including the leading states that have forsworn nuclear weapons, such as Argentina, Brazil, Germany, Japan, South Africa, and Sweden—in order to broaden, toughen, and stringently enforce nonproliferation rules. To obtain that cooperation, the nuclear weapon states must show that tougher nonproliferation rules not only benefit the powerful, but constrain them as well.

Success will depend on the United States’ ability to marshal legitimate authority that motivates others to follow. As Francis Fukuyama notes, “Other people will follow the American lead if they believe it is legitimate; if they do not, they will resist, complain, obstruct, or actively oppose what we do.”⁴

Recent events, most dramatically the war in Iraq, have undermined America's legitimacy. With societies bristling at U.S. government rhetoric and action, elected leaders in key countries continue to distance themselves from U.S. initiatives.

Even when others share U.S. views of the nuclear threat, they may balk at following U.S. policies because they do not see Washington acting on *their* priorities, for example, the Comprehensive Test Ban Treaty, the International Criminal Court, actions to minimize climate change, or other measures affecting global security.

In Robert Kagan's words, "The United States can neither appear to be acting only in its self-interest, nor can it, in fact, act as if its own national interest were all that mattered."⁵ This theme is echoed by Prime Minister Tony Blair's comment in January, "If America wants the rest of the world to be part of the agenda it has set, it must be part of their agenda too."

Before setting that agenda, however, it is necessary to understand the actual threats countries face. A new, concrete analysis of these threats should be the prerequisite to any policy framework.

A Global Nuclear Threat Assessment

Nuclear threats lie along four axes, though developments along one axis often influence the others. The four categories of threat are nuclear terrorism, new nuclear weapon states and regional conflict, existing nuclear arsenals and regime collapse.

I. Nuclear Terrorism: The Most Serious

While *states* can be deterred from using nuclear weapons by fear of retaliation, *terrorists*, who have neither land, people, nor national futures to protect, may be more difficult to deter. Terrorist acquisition of nuclear weapons therefore poses the greatest single nuclear threat. The gravest danger arises from terrorists' access to state stockpiles of nuclear weapons and fissile materials, because acquiring a supply of fissile material (as opposed to making the weapon itself) remains the most difficult challenge for a terrorist group. In fact, so-called outlaw states are not the most likely source since their stockpiles, if any, are small and exceedingly precious, and hence well guarded (nor are these states likely to give away what they see as the crown jewels in their security crowns). Rather, the most likely sources of nuclear weapons and materials for terrorists are storage areas in the former states of the Soviet Union and in Pakistan, and fissile material kept at dozens of civilian sites around the world.

Russia and other former Soviet states possess thousands of nuclear weapons and hundreds of tons of inadequately secured nuclear material. Terrorist organizations and radical fundamentalist groups operate within Pakistan's borders. National instability or a radical change in government could lead to the collapse of state control over nuclear

weapons and materials and to the migration of nuclear scientists to the service of other nations or groups.

There is also a substantial risk of terrorist theft from the nuclear stockpiles in more than forty countries around the world. Many of these caches of materials consist of highly enriched uranium that could be directly used in nuclear weapons, or further enriched to weapons grade. There are also significant stockpiles of plutonium that can be used in a weapon, though with more difficulty.

II. New Nuclear Nations and Regional Conflicts

The danger posed by the acquisition of nuclear weapons by Iran or North Korea is *not* that either country would be liable to use these weapons to attack the United States, the nations of Europe, or other countries. Iran, for example, would likely decide to build nuclear weapons only as a means to defend itself from the aggression of other nations. Iranian leaders, like the leaders of other states, would be deterred from using nuclear weapons in a first strike by the certainty of swift and massive retaliation.

But what Iran sees as a defensive move would trigger dangerous reactions from other states in the region. A nuclear reaction chain could ripple through a region and across the globe, triggering weapon decisions in several, perhaps many, other states. Such developments could weaken Iran's security, not increase it. With these rapid developments and the collapse of existing norms could come increased regional tensions, possibly leading to regional wars and to nuclear catastrophe.⁶

Existing regional nuclear tensions already pose serious risks. The decades-long conflict between India and Pakistan has made South Asia the region most likely to witness the first use of nuclear weapons since World War II. An active missile race is under way between the two nations, even as India and China continue their rivalry. In Northeast Asia, North Korea's nuclear capabilities remain shrouded in uncertainty but presumably continue to advance. Miscalculation or misunderstanding could bring nuclear war to the Korean peninsula.

In the Middle East, Iran's declared peaceful nuclear energy program, together with Israel's nuclear arsenal and the chemical weapons of other Middle Eastern states, adds grave volatility to an already conflict-prone region. If Iran were to decide at some later date to build nuclear weapons, Egypt, Saudi Arabia, or others might initiate or revive nuclear weapon programs. It is possible that the Middle East could go from a region with one nuclear weapon state, to one with two, three, or five such states within a decade—compounded by the existing political and territorial disputes still unresolved.⁷

III. The Risk from Existing Arsenals

There are grave dangers inherent in countries such as the United States and Russia maintaining thousands of nuclear weapons and others like China, France, the United Kingdom, Israel, India, and Pakistan holding hundreds of weapons. While these states

regard their personal nuclear weapons as safe, secure, and essential to its security, each views others' arsenals with suspicion.

Though the Cold War has been over for more than a dozen years, Washington and Moscow maintain thousands of warheads on hair-trigger alert, ready to launch within fifteen minutes. This greatly increases the risk of an unauthorized launch. Because there is no time buffer built into each state's decision-making process, this extreme level of readiness also enhances the possibility that either side's president could prematurely order a nuclear strike based on flawed intelligence.⁸ We came close to such a disaster in January 1995, when Russian forces mistook a Norwegian weather rocket for a US submarine-launched ballistic missile. Russian President Boris Yelstin had the "nuclear suitcase" open in front of him for the first time in the nuclear age before concluding that this must be a mistake. As Russian capabilities continue to deteriorate, the chances of accidents only increase.

Recent advocacy by some in the United States of new battlefield uses for nuclear weapons could lead to fresh nuclear tests. The five nuclear weapon states recognized by the Non-Proliferation Treaty have not tested since the signing of the Comprehensive Test Ban Treaty in 1996, and no state has tested since India and Pakistan did in May 1998. New U.S. tests would trigger tests by other nations and thus leading to the collapse of the CTBT, which is widely regarded as a pillar of the nonproliferation regime.

To the extent that the leaders of a given state are contemplating acceding to U.S. or international nonproliferation demands, these leaders may feel a strong need for equity so that they can show their publics that giving up nuclear aspirations is fair and in their interest. It is difficult, if not impossible, to demonstrate either when immensely powerful nuclear weapon states reassert the importance of nuclear weapons to their own security.

IV. The Risk of Regime Collapse

If U.S. and Russian nuclear arsenals remain at Cold War levels, many nations will conclude that the weapon states' promise to reduce and eventually eliminate these arsenals has been broken. Non-nuclear states may therefore feel released from their pledge not to acquire nuclear arms.

The Non-Proliferation Treaty is already severely threatened by the development in several states of facilities for the enrichment of uranium and the reprocessing of plutonium. Although each state asserts that these are for civilian use only, supplies of these materials potentially puts each of these countries "a screwdriver's turn" away from weapons capability. This greatly erodes the confidence that states can have in a neighbor's non-nuclear pledge. While the political commitments of Japan not to develop nuclear weapons, for example, are accepted now, tensions in the region could change how its neighbors view the "virtual arsenal" Japan's stocks of plutonium provide.

Additionally, there appears to be growing acceptance of the nuclear status of Pakistan and India, with each country accruing prestige and increased attention from leading nuclear weapon states, including the United States. Some now argue that a

nuclear Iran or North Korea could also be absorbed into the international system without serious consequence.

If the number of states with nuclear weapons increases, the original nuclear weapon states fail to comply with their disarmament obligations, and states such as India gain status for having nuclear weapons, it is possible that Japan, Brazil, and other major non-nuclear nations will reconsider their nuclear choices. Most nations would continue to eschew nuclear weapons, if only for technological and economic reasons, but others would decide that nuclear weapons were necessary to improving their security or status. There is a real possibility, under these conditions, of a system-wide collapse of the nuclear nonproliferation regime.

Building a New Bargain

Global nuclear security requires *universal compliance* with the norms and rules of a *toughened* nuclear nonproliferation regime. *Compliance* means more than signatures on treaties, or declarations of good intent— it means actual performance. *Universal* means that nonproliferation norms and rules must be extended not only to states that have joined the treaties, but to all states, and to non-state actors as well.

The March 2005 Carnegie study, from which this paper draws, conceptualizes the needed changes as six obligations. Below is a summary of these obligations and twenty of the key policy recommendations that flow from them. (In all, there are over one hundred specific policy recommendations in the Carnegie report.)

OBLIGATION ONE: Make Nonproliferation Irreversible.

We must revise the rules managing the production of nuclear weapon-usable materials, and clarify and tighten the terms by which states can withdraw from the NPT.

Specifically, this means we should:

1. Preclude the acquisition of uranium enrichment and plutonium reprocessing plants by any additional state.
2. Provide states internationally guaranteed, economically attractive supplies of the fuel and services necessary to meet nuclear energy demands.
3. End the production of highly enriched uranium and adopt a temporary “pause” in the separation of plutonium.
4. Pass a new UN Security Council resolution making a state that withdraws from the NPT responsible for violations committed while it was still a party to the treaty.

5. Bar states that withdraw from the treaty from legally using nuclear assets acquired internationally before their withdrawal;
6. Suspend nuclear cooperation with countries that the IAEA cannot certify are in full compliance with their nuclear nonproliferation obligations.

OBLIGATION TWO: Devalue the Political and Military Currency of Nuclear Weapons.

All states must diminish the role of nuclear weapons in security policies and international politics. The nuclear weapon states must do more to make their nonproliferation commitments irreversible, especially through the steady verified dismantlement of nuclear arsenals.

Specifically, this means we should:

7. Disavow the development of new types of nuclear weapons, reaffirm the current moratorium on nuclear weapon testing, and ratify the Comprehensive Test Ban Treaty.
8. Lengthen the time decision-makers would have before deciding to launch nuclear weapons; and
9. Make nuclear weapon reductions, such as those required under the 2002 Treaty of Moscow, irreversible and verifiable.

OBLIGATION THREE: Secure All Nuclear Materials.

All states must maintain robust standards for securing, monitoring, and accounting for all fissile materials in any form.

Acquiring nuclear materials— whether by making, buying, or stealing them—is the single most difficult step for terrorists, as it is for states seeking nuclear weapons. Therefore, the security of nuclear stockpiles— wherever they are —is as vital an element of defense as any weapons system. Specifically, we recommend:

10. The formation of a high-level “Contact Group to Prevent Nuclear Terrorism” to establish a new global standard for protecting weapons, materials, and facilities.
11. The United States, Russia, and their partners should vigorously identify, secure, and remove nuclear materials from all vulnerable sites within four years— an accelerated “Global Cleanout.”

OBLIGATION FOUR: Stop Illegal Transfers.

States must establish enforceable prohibitions against efforts by individuals, corporations, and states to assist others in secretly acquiring the technology, material, and know-how needed to develop nuclear weapons.

Nonproliferation norms and rules must be universal—applying equally to non-state actors and to all states. The Security Council took a vital step in this direction by passing Resolution 1540 in April 2004. To develop this promising beginning:

12. All states should now establish and enforce national legislation to secure nuclear materials, strengthen export controls, and criminalize illicit trade, as this resolution requires.
13. The IAEA's Additional Protocol should be mandatory for all states, and the members of the Nuclear Suppliers Group should make it a condition of supply to all their transfers.
14. Members of the Nuclear Suppliers Group should expand their voluntary data sharing with the IAEA and make it obligatory for transfer of all controlled items.
15. Corporations should back up these policies with voluntary actions to block trade, loan, and investment activity with those illegally seeking nuclear capabilities.
16. The Proliferation Security Initiative should be grounded in international law and widened to cover international waterways and airspace.

OBLIGATION FIVE: Commit to Conflict Resolution.

States that possess nuclear weapons must use their leadership to resolve regional conflicts that compel or excuse some states' pursuit of security by means of nuclear, biological, or chemical weapons.

17. The major powers must concentrate their diplomatic influence on diffusing the conflicts that underlie these and possibly other nations' determination to possess nuclear weapons.

OBLIGATION SIX: Solve the Three-State Problem.

The unrealistic demand that India, Israel and Pakistan give up their weapons and join the NPT as non-nuclear states should be replaced by a policy that persuades these three states to accept the same nonproliferation obligations accepted by the weapon state signatories.

18. Drop the demand that India, Israel and Pakistan give up their nuclear weapons absent durable peace in their respective regions and progress toward global disarmament.
19. Persuade the three states to accept all of the nonproliferation obligations accepted by the five original nuclear weapon states, which they are not now committed to do.
20. The three states should not be rewarded with trade in nuclear power reactors, but should receive cooperation to strengthen nuclear material security and reactor safety.

Conclusion

The new proliferation challenges make it clear beyond denial that the present nonproliferation regime needs fixing. This is a time that demands systemic change: a new strategy to defeat old and new threats before they become catastrophes. Only by forging this balance of obligations involving all states and all actors can we erect a defense in depth to the new and old dangers from the spread of nuclear weapons.

¹ National Security Council, The National Security Strategy of the United States of America (Washington, D.C.: White House, 2002); available at <http://www.whitehouse.gov/nsc/nss.pdf>. National Security Council, National Strategy to Combat Weapons of Mass Destruction (Washington, D.C.: White House, 2002), p. 1; available at <http://www.whitehouse.gov/news/releases/2002/12/WMDStrategy.pdf>.

² See testimony of Central Intelligence director Porter Goss and Defense Intelligence Agency director Admiral Lowell Jacoby before the Senate Intelligence Committee, February 16, 2005.

³ George Perkovich, Jessica Mathews, Joseph Cirincione, Rose Gottemoeller and Jon Wolfsthal, *Universal Compliance: A Strategy for Nuclear Security* (Carnegie Endowment for International Peace, Washington, DC March 2005), available at: www.ProliferationNews.org

⁴ Francis Fukuyama, "The Neoconservative Moment," *The National Interest*, June 1, 2004.

⁵ Robert Kagan, *Of Paradise and Power: America and Europe in the New World Order* (New York: Alfred A. Knopf, 2003), afterword, p. 154.

⁶ This is the danger President Kennedy warned of in 1963. "I ask you to stop and think for a moment what it would mean to have nuclear weapons in so many hands, in the hands of countries large and small, stable and unstable, responsible and irresponsible, scattered throughout the world," he said. "There would be no rest for anyone then, no stability, no real security, and no chance of effective disarmament. There would only be the increased chance of accidental war, and an increased necessity for the great powers to involve themselves in what otherwise would be local conflicts." John F. Kennedy, "Radio and Television Address to the American People on the Nuclear Test Ban Treaty," July 26, 1963, available at http://www.jfklibrary.org/jfk_test_ban_speech.html (accessed December 10, 2004).

⁷ Several countries in the Middle East are capable of pursuing nuclear weapon programs or otherwise acquiring nuclear weapons, including Saudi Arabia, Egypt, and Turkey. Saudi Arabia might seek to purchase nuclear weapons from Pakistan, or invite Pakistan to station nuclear weapons on its territory. Other countries have at least the basic facilities and capabilities to mount a nuclear weapon program, albeit not without significant political and economic consequences. Egypt and Turkey could probably acquire enough nuclear material to produce a nuclear weapon within a decade of launching such an effort.

⁸ Former U.S. Senator Sam Nunn argues, “The more time the United States and Russia build into our process for ordering a nuclear strike the more time is available to gather data, to exchange information, to gain perspective, to discover an error, to avoid an accidental or unauthorized launch.” Speech to the Carnegie International Non-Proliferation Conference, June 21, 2004, available at www.ProliferationNews.org.