

# UNIVERSAL COMPLIANCE

## A Strategy for Nuclear Security

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## PREFACE

In developing *Universal Compliance* the authors started from the premise that the United States cannot solve the nuclear proliferation challenge alone. The strategy that will stand the greatest chance of success is one that enjoys the greatest possible degree of international support. And the way to get that support, we believed, was not to tell others what we think are the best policies and urge them to support them, but rather to ask how they would define the challenges, what policies they think would be most effective, and how they would improve upon suggestions we were making. In the end, we, as authors of this document, would have to weigh these inputs and decide what we think are most effective policies, but we wanted to see the problems and solutions from as many angles as possible before we did.

Thus, we designed a demanding four-stage, eighteen-month process to produce this strategy. First, we sketched an initial draft that emphasized premises that should guide a more effective global nuclear nonproliferation strategy, and tentative policy ideas. We set out some of these themes and began consultations at Carnegie's second Moscow International Non-Proliferation Conference in September 2003. We then sent the rough draft to several dozen leading U.S. and international experts and obtained extremely helpful, detailed feedback, plenty of which was critical.

Second, we assimilated these reactions and published a fully designed and bound version of *Universal Compliance*, which had all the markings of a finished product, except the word DRAFT was displayed prominently on the cover. This version of the strategy was released at the Carnegie Endowment's June 2004 International Non-Proliferation

Conference attended by 721 participants from over twenty countries. Over 9,000 copies of the draft report were distributed, with the authors inviting readers to critique the work to help improve the final strategy.

To help ensure consideration and comment on the draft strategy, the authors traveled to China, Egypt, France, Germany, India, Iran, Israel, Italy, Japan, Kazakhstan, Pakistan, Russia, South Korea, Sweden, and Switzerland to brief key officials, think tanks, and larger public audiences. In some of these countries we enjoyed unprecedented access to key officials for sustained discussion and debate of our recommendations. We consulted with nuclear industry representatives in the U.S. and abroad, with International Atomic Energy Agency and UN Conference on Disarmament officials, and with U.S. policy makers. We received numerous important suggestions and more than thirty lengthy, written critiques.

Finally, we reflected on all of this feedback and ensuing international developments and rewrote the strategy document. The significant differences between the draft version and the final product show that the comments received during more than half a year of consultations went far beyond factual corrections. The final report reflects a much deeper understanding of the vital interests that drive various governments' nonproliferation policies—knowledge that is critical if the U.S. is to develop a strategy that commands wide international support. We believe that the process described here represents a valuable model for productive cross-border problem solving. In tenor, presentation, and substance, the final report conveys a level of depth and nuance that would have been difficult, if not impossible, to achieve using a more conventional approach. The document you now hold

represents our best sense of a strategy and related policies that would heed President George W. Bush's injunction that "the nations of the world must do all we can to secure and eliminate nuclear...materials."

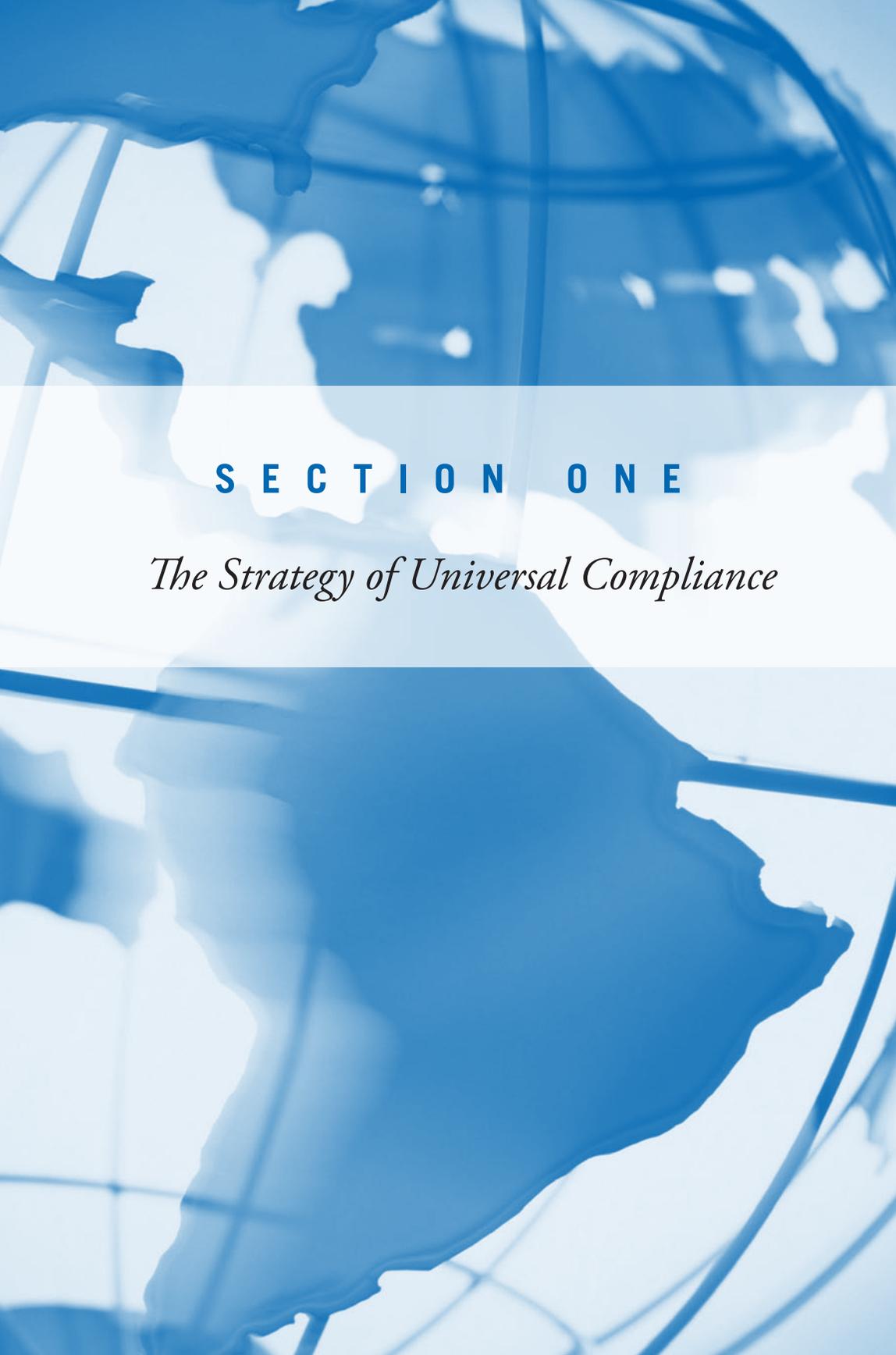


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Substantively, the authors are deeply indebted to the more than 150 experts, officials, and analysts from around the world who shared their time and skills with us during the drafting and review of *Universal Compliance*. There are too many to mention by name, but they collectively represent several hundred years of expertise from five continents and more than twenty countries. Many experts were kind enough to provide us with detailed written comments and to review sometimes repeated drafts. The report's analysis and recommendations have been greatly influenced by their comments, and we believe significantly improved from our original June 2004 draft.

The report has also benefited greatly from the advice of Carnegie Endowment experts and the hard work of our highly capable Carnegie staff, including Project Assistant Jane Vaynman, Carnegie Junior Fellows Josh Williams, Revati Prasad, and Alina Tourkova and editorial coordinator Jason Forrester. Although this report reflects comments from many, the authors alone accept responsibility for its contents and for any errors that remain.



S E C T I O N   O N E

*The Strategy of Universal Compliance*





## CHAPTER ONE: WHY A NEW STRATEGY?

*We raced from threat to threat to threat....There was not a system in place to say, “You’ve got to go back and do this and this and this.” ...The moral of the story is, if you’d taken those measures systemically over the course of time...you might have had a better chance of succeeding.*

—Director of Central Intelligence George Tenet  
Before the National Commission on Terrorist  
Attacks upon the United States, March 24, 2004

Perhaps the most ambitious attempt ever made to extend the civilizing reach of the rule of law has been the international effort to constrain the acquisition and use of nuclear weapons, the greatest physical force created by humankind. The United States, the Soviet Union, and other states laid the foundation for this mission in the 1960s with the negotiation of the Nuclear Non-Proliferation Treaty (NPT). In the decades since, states have evolved rules and institutions to govern nuclear exports, safeguard and account for nuclear materials, and control and even reduce the number of nuclear weapons.

The rules are not self-enforcing, as painful experience in Iraq, North Korea, Libya, Iran, and elsewhere has shown. Moreover, states and international agencies must struggle to mobilize the power needed to enforce and adapt the rules as conditions change. Doing so involves difficult trade-offs as states seek benefits commensurate with the options they forgo and the costs they bear.

In 1995, in perhaps the single greatest strengthening of the regime since its founding, the signatories to the Non-Proliferation Treaty agreed to transform its original twenty-five-year term into an open-ended commitment. In doing so, they committed themselves to a stringent bargain. One hundred seventy-three states reaffirmed their renunciation of nuclear weapons in return for an explicitly reaffirmed commitment by the United States, China, France, Russia, and the United Kingdom to eventually eliminate their nuclear arsenals. All states did so with the understanding that while the treaty was demonstrably imperfect, it nonetheless made them all safer—individually and collectively.

At the time, there was good reason for optimism. The Cold War was over. The number of states possessing nuclear weapons had declined, and the number of weapons was falling. But soon, the picture turned much darker. Almost overnight, it seemed that the elaborate nonproliferation system built around the NPT was in danger of failing.

In May 1998, India announced that it had exploded five nuclear devices. Two weeks later, Pakistan boasted of five nuclear explosions of its own. Neither country had signed the Non-Proliferation Treaty. Pakistan had received vital nuclear weapon design and production assistance from China and from private actors based in NPT member states in the West. Suddenly, the prospect loomed of a nuclear war in South Asia that could kill millions and irradiate a quarter of the globe. Neither the NPT nor the broader nonproliferation regime had stopped two major countries from crossing the nuclear threshold.

The events of September 11, 2001, forced a recognition that shadowy movements, not under the control of any state, were able to commit sophisticated attacks of mass terror. If such groups were

to come into possession of nuclear weapons, they would presumably be willing to use them. After September 11, what had been an important problem—the transfer and proliferation of nuclear technology—suddenly became an urgent one.

Then, in 2003, news emerged that a network of scientists, engineers, and middlemen from Pakistan, Dubai, the United Kingdom, Germany, Malaysia, South Africa, Sri Lanka, Switzerland, and Turkey had for years been selling nuclear bomb designs and equipment necessary to produce nuclear weapons. Buyers included North Korea, Iran, Libya, and perhaps others. Existing laws and export control enforcement practices had proved manifestly inadequate to block these transfers of equipment and know-how.

The regime whose weaknesses were so exposed by these events had been designed for a world in which threats came from states. It was not built to deal with terrorist groups bent on mass destruction or nuclear black marketers with murky connections to governments. Many of the activities of the clandestine Pakistani network headed by A. Q. Khan violated no existing laws. The fact that the network was based in Pakistan also highlights the challenge of persuading the states that have not joined the NPT—India, Pakistan, and Israel—to nevertheless accept rigorous nonproliferation obligations. These three countries broke no covenant in acquiring nuclear weapons, but in varying degrees their status beyond its boundaries undermines the entire NPT-based regime.

Among the existing rules, today's greatest threat stems from the wide availability they allow to highly enriched uranium (HEU) and plutonium, the fissile materials that are the fuel of nuclear weapons.<sup>1</sup> These materials have become more accessible to terrorists because of the collapse of the Soviet Union and poor security

at nuclear stockpiles in the former Soviet republics and in dozens of other countries. There is also danger that new nations could acquire nuclear weapons by exploiting the NPT's failure to define specifically what constitutes the "peaceful" application of nuclear capabilities to which non-nuclear-weapon states commit themselves. As the treaty has been interpreted, countries can acquire technologies that bring them to the very brink of nuclear weapon capability without explicitly violating the agreement and can then leave the treaty without penalty.

There are also newer concerns. Fifteen years after the end of the Cold War, the majority of countries feel that the five original nuclear weapon states (the United States, Russia, the United Kingdom, France, and China) do not intend to fulfill their end of the NPT bargain—the pledge to eliminate nuclear weapons. That growing conviction erodes the willingness among members of this majority to live up to their side of the bargain—much less to agree to strengthen the regime. Moreover, those same five original members of the so-called nuclear club, who are also the veto-wielding members of the United Nations Security Council, are divided on how to respond to today's challenges, and thus raise widespread doubts about the capacity for action of the only international body with the legal writ to enforce nonproliferation commitments.

For all these reasons, there are rising doubts about the sustainability of the nonproliferation regime. Nations with ample technological ability to develop nuclear weapons may be reconsidering their political decisions not to do so. Recently, some Brazilian and Japanese political leaders, for example, have openly suggested that their countries should reweigh their nuclear weapon options. South Korea recently had to admit that its engineers had produced

HEU and weapon-grade plutonium outside of International Atomic Energy Agency (IAEA) safeguards, contrary to NPT requirements. The discovery rekindled a debate in South Korea about why it is restricted from possessing a complete set of fuel cycle capabilities when its neighbors are not.

All of these developments cast a heavy shadow over international security. They show that in spite of major successes the threat from nuclear proliferation remains all too real, and that the prospect of nuclear war did not disappear with the end of the Cold War. Together with what has occurred in Iraq, Iran, and North Korea, they underline how much more needs to be done to reduce the possibility of nuclear catastrophe to an acceptable level. All nations—including the three unwilling to sign the Non-Proliferation Treaty—need to be covered. Access to weapons fuel and the means of producing it needs to be far more tightly limited everywhere. Nonproliferation rules must be extended to individuals and corporations.

Some of the failures to contain proliferation result from these and other flaws in the regime itself. Many others stem from the unwillingness of leaders around the world to enforce commitments and resolutions earnestly passed. The United States' share of these failures has involved both Democratic and Republican administrations and Congresses led by both parties.

### **THE GOOD NEWS**

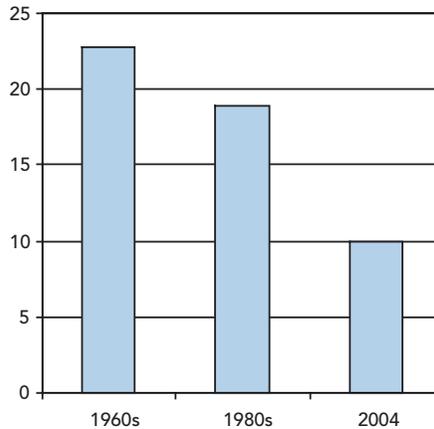
The news is by no means all bleak, however. There are positive trends to build upon. Since the signing of the Non-Proliferation Treaty in 1968, many more countries have given up nuclear weapon programs than have begun them.<sup>2</sup> There are fewer nuclear weapons in the world and fewer nations with nuclear

weapon programs than there were twenty years ago.<sup>3</sup> The United States and Russia continue to work cooperatively to dismantle and secure nuclear weapons and materials left over from the Cold War. Libya is an important success story and a model for other nations to follow as it verifiably dismantles its clandestine nuclear and chemical weapon capabilities. Iraq is a model of a different type, but it, too, no longer poses a nuclear weapon threat to its neighbors. The United States' use of force in Iraq to address this threat, while mismanaged, has heightened international awareness of the dangers posed by proliferation. The results are particularly evident in the European Union (EU), which, forging a new resolve, has intervened to curb programs in Libya and Iran and has adopted a unified nonproliferation strategy that includes requirements for full compliance with nonproliferation norms in all future trade and cooperation agreements. Significantly, the EU now also asserts its willingness to use force against proliferation threats.

International cooperation has grown, with more than one dozen nations having formally joined the U.S.-led Proliferation Security Initiative to interdict illegal transfers of weapons and materials. In April 2004, the UN Security Council agreed on a resolution requiring states to increase security for weapons and materials and to enact stricter export controls and laws to criminalize proliferation activities by individuals and corporations. President George W. Bush, IAEA Director General Mohamed ElBaradei, and other leaders have proposed new plans to restrict the acquisition of nuclear technology for the production of enriched uranium and separated plutonium.

**The question remains: Which trend will predominate—the positive or the negative? The world has arrived at a nuclear tipping point.<sup>4</sup> Policy decisions in the next few years will determine whether the global cooperation that has shrunk the arsenals of chemical, biological, and nuclear weapons and missile systems over the past decades will continue, or if a dangerous new wave of proliferation will engulf the world.**

**Figure 1.1. Countries with Nuclear Weapons or Programs**



**Notes:**

1960s: Twenty-three countries had weapons, were conducting weapons-related research, or were discussing the pursuit of weapons: Argentina, Australia, Brazil, Canada, China, Egypt, France, India, Israel, Italy, Japan, Norway, Romania, South Africa, the Soviet Union, Spain, Sweden, Switzerland, Taiwan, the United Kingdom, the United States, West Germany, and Yugoslavia.

1980s: Nineteen countries had weapons or were conducting weapons-related research: Argentina, Brazil, Canada, China, France, India, Iran, Iraq, Israel, Libya, North Korea, Pakistan, South Africa, South Korea, the Soviet Union, Taiwan, the United Kingdom, the United States, and Yugoslavia.

2004: In addition to the eight states with nuclear weapons, Iran and North Korea were suspected of having active nuclear weapon programs.

**Table 1.1. Countries with Nuclear Weapons or Programs, Past and Present**

<b>NPT NUCLEAR WEAPON STATES</b> China                      United Kingdom France                     United States Russia	<b>RECENTLY TERMINATED PROGRAMS</b> Iraq Libya
<b>NON-NPT NUCLEAR WEAPON STATES</b> India Israel Pakistan	<b>GAVE UP INHERITED WEAPONS</b> Belarus Kazakhstan Ukraine
<b>SUSPECTED PROGRAMS</b> Iran North Korea	<b>PROGRAMS OR CONSIDERATION ENDED AFTER 1970</b> Argentina <sup>a</sup> South Korea Australia <sup>b</sup> Spain <sup>a</sup> Brazil                         Switzerland <sup>b</sup> Canada <sup>c</sup> Taiwan Romania                    Yugoslavia South Africa
<b>INTENTIONS SUSPECTED BUT NO WEAPONS PROGRAM IDENTIFIED</b> Algeria Saudi Arabia Syria	<b>PROGRAMS OR CONSIDERATION ENDED BEFORE 1970</b> Egypt                        Norway <sup>b</sup> Italy <sup>b</sup> Sweden Japan <sup>b</sup> West Germany <sup>d</sup>

Note: Thirty-five countries in total.

- a Country had an active nuclear program, but intent to produce weapons is unconfirmed.
- b A program for nuclear weapons was debated, but active nuclear programs were civilian in nature.
- c Canada had between 250 and 450 U.S.-supplied nuclear weapons deployed on Canadian delivery systems until the early 1980s. In 1978, Prime Minister Pierre Trudeau declared that Canada was “the first nuclear-armed country to have chosen to divest itself of nuclear weapons.” See Duane Bratt, “Canada’s Nuclear Schizophrenia,” *Bulletin of the Atomic Scientists*, March/April 2002, 58, no. 2, pp. 44–50.
- d Though West Germany never went beyond consideration of an indigenous nuclear weapon program, Bonn did possess U.S.-supplied nuclear weapons. These weapons required the explicit approval of the American president before they could be used.

## U.S. POLICY TODAY

The Bush administration arrived in office determined to combat nuclear, chemical, and biological weapons proliferation in fundamentally new ways. 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), the administration stated its view that the threat from weapons of mass destruction emanated from a small number of outlaw states and from the nexus of these states, nuclear weapons and materials, and terrorists.<sup>5</sup>

This assessment did not, at first, appear dramatically different from those of previous administrations, which also acknowledged growing dangers. However, previous presidents had treated the weapons themselves as the problem. As long as they existed, there was a great danger that they would be used. “We must abolish the weapons of war,” President John F. Kennedy had said, “before they abolish us.” Thus, Presidents Kennedy, Lyndon B. Johnson, and Richard M. Nixon negotiated and implemented the Non-Proliferation Treaty as a means of stopping the spread of and eliminating nuclear weapons.<sup>6</sup> President Nixon negotiated the Biological Weapons Convention, which banned biological weapons; President Ronald Reagan negotiated the Intermediate-Range Nuclear Forces (INF) Treaty, which banned U.S. and Russian intermediate-range missiles. President George H. W. Bush negotiated the Chemical Weapons Convention, which banned chemical weapons; President Bill Clinton negotiated the Comprehensive Test Ban Treaty (CTBT). Each of these agreements codified a new global norm and provided the international legal framework for ending existing weapons programs and preventing the initiation of new ones.

By contrast, the Bush administration has spurned treaties that demand painstaking verification, and instead has shifted the focus from eliminating weapons to eliminating regimes. Whereas President Clinton spoke in 1998 of “the unusual and extraordinary threat to the national security...of the United States posed by *the proliferation of nuclear, biological, and chemical weapons* and the means of delivering such weapons,” President Bush, in his January 2003 State of the Union address, framed the issue very differently: “The gravest danger facing America and the world is *outlaw regimes that seek and possess nuclear, chemical, and biological weapons*” [emphasis added]. In effect, the Bush administration changed the focus from “what” to “who.”

Following this targeted approach, the administration highlighted the necessity of regime change to remove threats posed by irredeemable governments seeking these weapons, particularly the “axis of evil” states of Iraq, North Korea, and Iran. The Iraq War focused media and public attention on the tactic of preventive war to accomplish regime change, but regime change itself was the strategic innovation.

The Bush administration also highlighted “new methods of deterrence” to make clear that the United States “reserves the right to respond with overwhelming force—including through resort to all of our options—to the use of WMD [weapons of mass destruction] against the United States, our forces abroad, and friends and allies.”<sup>7</sup> In the belief that an antimissile program would not only protect against an attack but would in itself deter enemies from seeking nuclear weapons, the administration doubled the budget for a national antimissile system. It also has begun research on new, more usable types of nuclear weapons for counterproliferation missions.

The Bush administration was right to 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. Too many dangerous activities were—and are—not encompassed by existing agreements and were therefore tolerated. In contrast, the Bush administration's resolve helped motivate others to strengthen nonmilitary, and military, means of enforcement. The strong belief that some actors cannot be reformed helped sharpen international threat assessments and made governments in proliferant states think harder about changing their behavior, lest they be removed.

However, the new strategy, like the one it replaced, has proven insufficient. While stopping the spread of nuclear weapons requires more international resolve than previous administrations could muster, it also demands more 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 shown again and again that today's ally can become tomorrow's "rogue" state. Moreover, terrorists will seek nuclear weapons and materials wherever they can be found, irrespective of a state's geopolitical orientation.

On February 11, 2004, the president proposed initiatives that, if implemented, would improve international capacity to stem the spread of nuclear weapons. These initiatives include making all

exports from the forty-member Nuclear Suppliers Group conditional on recipients' adopting new, tougher inspections by the IAEA and banning all enrichment and reprocessing technology exports to states that do not already have such plants in operation; expanding the Nunn-Lugar Cooperative Threat Reduction Program, which finances the elimination of nuclear, chemical, and biological weapons in the former Soviet Union; and enhancing the IAEA's capability to detect cheating and respond to treaty violations.

Unfortunately, however, the administration has not put sufficient money or political effort behind these proposals. Its proposed budget for fiscal year (FY) 2005 cut rather than increased funding for the Nunn-Lugar program and failed to provide any increase in the U.S. contribution to the IAEA—an agency whose budget has stayed flat for years even as its responsibilities have greatly increased.<sup>8</sup>

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 China, Russia, France, the United Kingdom, and 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. In exchange, many states, especially those that have given up nuclear weapons, will want to know that burdensome new rules and costly enforcement will ultimately enhance their security. Put differently, the nuclear weapon states must show that tougher nonproliferation rules not only benefit the powerful but constrain them as well. Nonproliferation is a set of bargains whose fairness must be self-evident if the majority of countries is to support their enforcement.

Success will depend on the United States' ability to marshal legitimate authority that motivates others to follow. As Francis Fukuyama notes, "Legitimacy is important not simply because we want to feel good about ourselves, but because it's useful. 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. In this respect, it matters not what we believe to be legitimate, but rather what other people believe is legitimate."<sup>9</sup>

Recent events, most dramatically the war in Iraq, have undermined that legitimacy. Many feel that the United States has not followed Thomas Jefferson's admonition to have a "decent respect to the opinions of mankind," preferring the unilateral exercise of power to the often-cumbersome operation of rule-based international institutions. With societies bristling at U.S. government rhetoric and action, elected leaders in key countries such as Brazil, Germany, France, India, South Africa, South Korea, and Turkey, and elsewhere, distance themselves from U.S. initiatives. This challenged legitimacy is one reason why few states have welcomed President Bush's February 11, 2004, nonproliferation initiatives and have resisted the U.S. push to isolate Iran.

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, be those the Comprehensive Test Ban Treaty, the International Criminal Court, actions to minimize climate change, or other measures affecting global security. The United States naturally and wisely will use its power to induce others to accept and follow nonproliferation rules it values, but success also depends on its willingness to give greater weight to the views and interests of others. 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.”<sup>10</sup>

**The new proliferation challenges make it clear beyond denial that “racing from threat to threat” does not suffice. The present nonproliferation regime needs fixing. Nor can the United States prevent and resolve proliferation crises without greater international support. This is a time that demands systemic change: a new strategy to defeat old and new threats before they become catastrophes.**

## **A GLOBAL NUCLEAR THREAT ASSESSMENT**

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

### **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 not be deterrable. 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 nuclear material (as opposed to making the weapon itself) remains the most difficult

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## **A GLOBAL NUCLEAR THREAT ASSESSMENT (continued)**

challenge for a terrorist group. So-called outlaw states are not the most likely source. Their stockpiles 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 HEU 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. (See chapter 4 for a more complete treatment of this issue.)

### **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 likely use these

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**A GLOBAL NUCLEAR THREAT ASSESSMENT (continued)**

weapons to attack the United States, the nations of Europe, or other countries. States are and will continue to be deterred from such attacks by the certainty of swift and massive retaliation. The greater danger is the reactions of 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. With these rapid developments and the collapse of existing norms could come increased regional tensions, possibly leading to regional wars and to nuclear catastrophe.<sup>a</sup>

New nuclear weapon states might also constrain the United States and others, weakening their ability to intervene to avoid conflict in dangerous regions, as well as, of course, emboldening Tehran, Pyongyang, or other new possessors.

Existing regional nuclear tensions already pose serious risks. The decades-long conflict between India and Pakistan has made South Asia for many years the region most likely to witness the first use of nuclear weapons since World War II. There is an active missile race underway 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. Tensions between China, Taiwan, and the United States also hold the potential for nuclear crisis.

In the Middle East, Iran's quest for nuclear weapons, together with Israel's nuclear arsenal and the chemical weapons of other Middle Eastern states, adds grave volatility to an already conflict-

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## **A GLOBAL NUCLEAR THREAT ASSESSMENT (continued)**

prone region. If Iran were to acquire 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—with existing political and territorial disputes still unresolved.<sup>b</sup> This is a recipe for disaster.

### **The Risk from Existing Arsenals**

There are grave dangers inherent in the maintenance of thousands of nuclear weapons by the United States and Russia and the hundreds of weapons held by China, France, the United Kingdom, Israel, India, and Pakistan. While each state regards its 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.<sup>c</sup>

Recent advocacy by some in the United States of new battlefield uses for nuclear weapons could lead to new nuclear tests. The five NPT nuclear weapon states 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

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## **A GLOBAL NUCLEAR THREAT ASSESSMENT (continued)**

would trigger tests by other nations, collapsing 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.

### **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 put 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.

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

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## A GLOBAL NUCLEAR THREAT ASSESSMENT (continued)

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 systemwide collapse.

### Notes

- a 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 [www.jfklibrary.org/jfk\\_test\\_ban\\_speech.html](http://www.jfklibrary.org/jfk_test_ban_speech.html) (accessed December 10, 2004).
- b 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

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and Turkey could probably acquire enough nuclear material to produce a nuclear weapon within a decade of launching such an effort.

- c 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](http://www.ProliferationNews.org).



## CHAPTER TWO: CORE CONCEPTS AND KEY ACTIONS

### What Universal Compliance Means

The new strategic aim of nonproliferation policy should be to achieve *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 all actors must comply with the norms and rules that apply to them. This includes states that have not joined the NPT, as well as those that have. It also includes nonstate actors—corporations and individuals. The burden of compliance extends not only to states obtaining nuclear weapon capabilities through dual-use fuel cycle programs or those abetting proliferation through technology transfers; it applies equally to nuclear weapon states that are failing to honor their own nonproliferation pledges.

Emphasis on compliance engenders controversy, especially when coming from Americans. Many European and developing-country commentators on the draft of the present document argued that “compliance” evokes images of the United States acting as a “rogue cop,” knocking down the walls and violating the sovereignty of other states without authorization of legitimating institutions, particularly the UN Security Council. Reacting to the Iraq experience, many commentators seemed to fear the exertion of U.S. power more than the failure of the nonproliferation regime due to lack of enforcement.

This sentiment is sobering, and should neither be ignored nor indulged. The proliferation of nuclear weapons poses such grave threats to international peace and security that rules and enforcement must be strengthened. National sovereignty remains vitally important, but as actors within state boundaries acquire the capability to threaten large numbers of their neighbors or even distant populations, the international community's obligation to prevent such threats necessarily expands. As destructive technologies evolve and the reach of nonstate actors grows, the balance between national sovereignty and international security imperatives must evolve, too. Understandably, developing countries that have only recently wrested sovereignty from colonial masters are especially reluctant to accept the notion that certain global standards must be enforceable across sovereign borders. The challenge is to reassure states that the rules and their enforcement are judicious, fair, and balanced, not a new form of colonialism. The United States, as the power that others increasingly seek to constrain, must take especial care to persuade others that it acts fairly and judiciously, and that enforcement of the rules applies to it, also. International institutions serve this legitimating function, which is one reason to support and strengthen them.

The UN Security Council is the critical international body—the one with the clearest authority to order law enforcement action. The United States will have to work harder to build the necessary will and capacity among Security Council member states, and should accept that this in turn will require greater accommodation of others' priorities and concerns. Complicating this challenge, the Permanent Five (P-5) members of the Security Council may as a group face a legitimacy deficit when it comes to enforcing nuclear nonproliferation. Not only do these five

states possess nuclear arsenals and evince little genuine interest in fulfilling their commitments to dismantle them, their own track records betray varying degrees of imperfect adherence to nonproliferation norms and rules. The P-5 are seen as the chief enforcers *and* the most advantaged beneficiaries of the nuclear nonproliferation regime. *To sustain—much less strengthen—the regime, this “advantaged” minority must ensure that the majority sees it as beneficial and fair. The only way to achieve this is to enforce compliance universally, not selectively, including the obligations the nuclear states have taken on themselves.*

Most notably, these obligations were spelled out as “thirteen steps” and explicitly accepted by the nuclear weapon states at the 2000 NPT Review Conference (see “The Thirteen Steps,” page 151.) While commitments may be renegotiated for changed circumstances, there is no way to dance around or disown them as having been made by a prior administration—as American and French officials have suggested. If governments made commitments such as these binding only on their own administrations and not on their successors, no international undertaking would have a shred of meaning.

Universal compliance therefore seeks to achieve a *balance of obligations*. Its component policies correct the impression that nuclear weapon states are getting much more out of the nonproliferation regime than are others. The name of the strategy is both a reminder of the goal and a guide to ensure that each tactical step helps build a system to which all states commit and contribute.

Finally, universal compliance extends the principle of *defense in depth* that has shaped the nonproliferation regime for decades. Thus, the NPT commitment not to acquire nuclear weapons has been reinforced over the years with regional nuclear-free zones,

export controls, test bans, military action, and a variety of other technological and legal measures. Redundancy—overlapping measures and fallback options—is a key to success. Defense in depth is further strengthened by employing all of the state’s tools—diplomatic and technical, financial and political, coercive and attractive. For example, the EU has conditioned its future trade agreements on compliance with nonproliferation norms: a valuable model for others. Finally, defense in depth requires extending the regime’s compass beyond states to individuals and the corporate sector. A number of business sectors—banking, finance, certain manufacturers, as well as the nuclear industry itself—have key roles to play. Multiple lines of defense offer the best protection against breakouts from proliferation restraints, and enable the regime to survive the failure of any one instrument.

## **The Six Obligations**

Six obligations form the core of the universal compliance strategy. Each requires many subsidiary policy changes, resources, and institutional reforms. Some of the necessary steps depend on new national or international laws or voluntary standards, while others require only the will to live up to existing commitments. Of the nearly one hundred recommendations in the present volume, twenty are highlighted here as the top priorities. They are a combination of the steps with high impact that are achievable in the near term and those that will take longer but would be truly transformative.

**OBLIGATION ONE: Make Nonproliferation Irreversible.** The nonproliferation regime must be adapted to changed conditions by making its fundamental bargains meaningfully enforceable and irreversible. International rules managing the production and distribution of nuclear weapon-usable materials need to be revised and the terms by which states can withdraw from the NPT need to be clarified and tightened.

Because facilities to enrich uranium and separate plutonium have inherent weapons potential that cannot be prevented by international safeguards, **the acquisition of enrichment and reprocessing plants by additional states should be precluded.** **In return,** the United States and other states that currently possess such facilities must **provide internationally guaranteed, economically attractive supplies of the fuel and services** necessary to meet nuclear energy demands. This bargain would greatly augment the reliability and permanence of states' commitments to forgo nuclear weapons (see p. 91).

Obtaining global acceptance of this new norm will be unlikely, however, so long as existing facilities continue to add to the global oversupply of HEU and plutonium. **States should therefore agree to end the production of HEU and to adopt a temporary “pause” in the separation of plutonium** (see p. 97).

Countries must also be discouraged from building up the capability to produce nuclear weapons through international cooperation made possible by treaty membership, and then, having achieved that aim, leaving the treaty without penalty. The **UN Security Council** should pass a new **resolution making a state that withdraws from the NPT nonetheless responsible for violations** committed while it was still a party to the treaty. The

Security Council should also **bar states that withdraw from the treaty**—whether in violation of its terms or not—**from legally using nuclear assets** acquired internationally before their withdrawal. All states should agree to **suspend nuclear cooperation with countries that the IAEA cannot certify** are in full compliance with their nuclear nonproliferation obligations\* (see pp. 55–56).

**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.

To comply with commitments made in 1968 and explicitly reaffirmed in 1995 and 2000, the United States, Russia, China, France, and the United Kingdom must **disavow the development of any new types of nuclear weapons, reaffirm the current moratorium on nuclear weapon testing, and ratify the Comprehensive Test Ban Treaty.**<sup>11</sup> To reduce the risk of inadvertent nuclear war or a renewed arms race, the United States and Russia should **lengthen the time decision makers would**

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\* The world does not have a representative institution for establishing a global rule on nuclear technology. The suppliers' cartel approach in the form suggested by President Bush in his speech of February 11, 2004, meets intense resistance. IAEA Director General ElBaradei has established an Experts Group to explore ways to multinationalize uranium enrichment and plutonium reprocessing facilities, but neither this group nor the IAEA can establish binding rules. The Experts Group or an outgrowth of it could, however, make a recommendation to the UN Security Council. NPT parties meeting in a review conference could agree on new rules, though a way would have to be found to include India, Israel, and Pakistan in the process.

**have before deciding to launch nuclear weapons, and should make nuclear weapon reductions, such as those required under the Strategic Arms Reduction Treaty of 2002 (Treaty of Moscow), irreversible and verifiable** (see pp. 134–149). As described more fully under obligation 6 and in “Implementing the Three-State Solution,” page 45, India, Pakistan, and Israel should accept similar obligations.

The core bargain of the NPT, and of global nonproliferation politics, can neither be ignored nor wished away. It underpins the international security system and shapes the expectations of citizens and leaders around the world. On the other hand, it remains unclear whether thousands of nuclear weapons and uncounted thousands of tons of fissile materials can be verifiably decommissioned and secured in ways that would make the world safer and more stable. Only the United Kingdom has begun to analyze the steps that would be necessary to achieve mutual and verifiable nuclear disarmament.<sup>12</sup> The United States and all other states with nuclear weapons should go further and **produce a detailed road map of the technical and institutional steps they would have to take to verifiably eliminate their nuclear arsenals**. By defining the level of transparency and accounting accuracy necessary to verify elimination of all nuclear weapons, this process would begin to illuminate whether total disarmament is actually feasible, and if it is not, what alternative actions would fulfill the nuclear weapon states’ obligations under the NPT (see p. 154).

**OBLIGATION THREE: Secure All Nuclear Materials.** All states must maintain robust standards for securing, monitoring, and accounting for all fissile materials in any form. Such mechanisms are necessary both to prevent nuclear terrorism and to create the potential for secure nuclear disarmament.

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. The United States should therefore encourage formation of a high-level **“Contact Group to Prevent Nuclear Terrorism” to establish a new global standard for protecting weapons, materials, and facilities.** All members would be pressed to uphold these standards and arrange for assistance to those that need technical or financial help to achieve them. In addition, **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” (see pp. 87–89).

**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 nonstate actors and to all states. The Security Council took a vital step in this direction by passing Resolution 1540 in April 2004. **All states should now establish and enforce national legislation to secure nuclear materials, strengthen export controls, and criminalize illicit trade, as this resolution requires.** Because Resolution 1540’s obligations are framed under Chapter VII of the UN Charter, they are obligatory and warrant all necessary means to ensure compliance (see pp. 116–118).

To help enforce the laws adopted under the resolution, nations need to strengthen international mechanisms to guide exchanges

of sensitive equipment, material, and know-how. **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** (see p. 120). All states should work to provide international inspection regimes with a strong mandate and sufficient budgets and resources, and should strive to build the will to punish noncompliance. 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** (see pp. 119–120). Undeclared exchanges would then be illegal on their face, while declared exchanges would be conducted under existing export control and customs regulations. **Going further, corporations should back up these policies with voluntary actions to block trade, loan, and investment activity with those illegally seeking nuclear capabilities** (see p. 57). **The Proliferation Security Initiative should be grounded in international law and widened** to cover international waterways and airspace, as do international agreements on piracy, hijacking, and slavery (see p. 124).

**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.

Because the use of nuclear weapons could result in staggering casualties and global disorder, states that possess these weapons—including India, Pakistan, Israel, and possibly North Korea—have a special obligation to ensure that they are not used and do not spread. **The major powers must concentrate their diplomatic influence on diffusing the conflicts that underlie these**

**and possibly other nations' determination to possess nuclear weapons.** These conflicts are triggers of potential nuclear use (see p. 132).

**Separate sections of this report detail the urgent steps required to address nuclear threats in the Middle East, South Asia, and Northeast Asia.** However, it must be emphasized that preventing the use of nuclear weapons and reversing proliferation in these regions is not just a nonproliferation challenge. Arms control experts, nonproliferation inspectors, and nuclear scientists cannot solve these problems; national leaders must devote their energies and resources to resolving key regional security dilemmas and supporting the political reforms necessary to remove the perceived need for nuclear weapons. Averting a nuclear and missile arms race between India and Pakistan, for example, requires progress in normalizing these two states' overall relationship, particularly concerning Kashmir. Achieving a zone free of weapons of mass destruction in the Middle East will require normalization of relations between Israel and other regional states and entities, which in turn will require a cessation of terrorism and a just settlement of the Israeli-Palestinian conflict (see pp. 159–190).

**OBLIGATION SIX: Solve the Three-State Problem.** The unrealistic demand that India, Israel, and Pakistan (which never signed the NPT, and hence did not violate it in acquiring nuclear weapons) give up their weapons and join the NPT as non-nuclear states should be put aside. Instead, a policy should be pursued that focuses on persuading these three states to accept the same nonproliferation obligations accepted by the weapon state signatories. 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.

The universal compliance strategy offers a constructive way out of the dilemma posed by the anomalous nonproliferation status of India, Pakistan, and Israel—the so-called three-state problem. India and Pakistan have demonstrated their possession of nuclear weapons. They are now pressing for the removal of technology embargoes applied to them as sanction for crossing the nuclear threshold. Israel does not confirm or deny its nuclear status, but its widely recognized possession of nuclear weapons causes turmoil within the nonproliferation regime. Yet each of these states has committed itself to preventing further proliferation. As a result, for many years supporters of nonproliferation have been suspended between the unrealistic hope that these countries will reverse their nuclear status and the unappetizing prospect of accepting them as new full-fledged nuclear weapon states in order to bring them into the nonproliferation regime. The result has been little movement in either direction.

Under the universal compliance strategy, the United States and others would end this state of suspension by **dropping the demand that India, Israel, and Pakistan give up their nuclear weapons absent durable peace in their respective regions and progress toward global disarmament.** Diplomacy would focus instead on **persuading 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.<sup>13</sup> The three states would agree, for example, to follow the highest global standards for preventing proliferation exports and securing nuclear weapons and materials, to reduce the role of nuclear weapons in their national security policies, and to eschew nuclear testing. If they failed to comply, they would be subject to the same sorts of sanctions and political pressures that others—including

China and Russia—have faced over their past transgressions of nonproliferation rules.

The goal of persuading India, Israel, and Pakistan to abandon nuclear weapons would not be dropped; rather these three states would be expected to eliminate their nuclear arsenals as and when the United States, China, France, Russia, and the United Kingdom eliminate theirs. This formulation recognizes the reality that Pakistan will not give up its weapons if India does not do the same, that India will not disarm if China does not, and that China will not if the United States and Russia do not. The challenges of nonproliferation and nuclear disarmament are linked; the energy devoted to pressing India, Israel, and Pakistan to disarm as a subgroup will not yield results absent major progress by the established nuclear weapon states in creating the conditions for eliminating their own nuclear arsenals (see below and pp. 159–169).

The present strategy document has been written by an American-based organization, so many recommendations highlight steps the United States should take. Yet many policy recommendations here emphasize Security Council actions, and still more highlight the specific steps that the other nuclear weapon states—Russia, China, the United Kingdom, and France—should take. The universal compliance strategy acknowledges, for example, that the imbalance of power between Russia and the United States drives Russian policy makers to increase reliance on nuclear weapons. Working with the United States and other partners, Russia should devise ways to reverse this trend. Another step critical to international success is for China to overcome its reluctance to use the Security Council as an enforcer of international nonproliferation rules, even at the risk of setting a

precedent that could limit Beijing's freedom of action in other spheres. The members of the EU also have a greater-than-average responsibility to back up their rhetorically admirable nonproliferation strategy with deeds, especially a willingness to use force when diplomacy fails.

All countries with manufacturers or distributors of technology useful in producing nuclear weapons must contribute energetically to measures recommended here to block transfers of technology, material, and know-how for nuclear weapons. As important members of the international community, India, Israel, and Pakistan are not absolved of responsibility to protect against proliferation, and this strategy document suggests many ways in which these three countries can do more. In short, the policies recommended here are *international*, reflecting both the security interests and the responsibilities of a large number of states whose vigilance will determine whether or not the world experiences the horror of nuclear conflagration.

### **IMPLEMENTING THE THREE-STATE SOLUTION**

Dealing with the reality that India, Israel, and Pakistan possess nuclear weapons does not mean rewarding these three states with new nuclear reactors, as India and, more recently, Pakistan have sought. The United States and others would continue to observe the Nuclear Suppliers Group agreement of 1992 barring reactor sales to recipients operating nuclear facilities that are not under international safeguards.<sup>a</sup> This restriction on nuclear

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**IMPLEMENTING THE THREE-STATE SOLUTION (continued)**

commerce is not a punishment, but a necessary means of upholding the incentives that reward other states for complying with their obligation not to acquire nuclear weapons.

While India, Pakistan, and Israel will not find it easy to embrace the universal compliance strategy, it enables the three states to contribute constructively to international security without accepting obligations greater or less than those borne by the original nuclear weapon states. In return for explicitly shouldering the obligations of responsible international citizenship, India, Pakistan, and Israel would gain relief from unproductive, ritualistic hectoring or possible coercion to eliminate their nuclear arsenals before others do. And by providing these three states the opportunity to become members of the regime rather than outsiders, the arrangement offers them the chance to become leaders of the international effort and to help steer its future course.

In discussions of the draft of this strategy, some experts in India, Israel, and Pakistan argued that their states should receive additional formal benefits in return for the nonproliferation commitments they would make. Indians, particularly, argued that UN Security Council Resolution 1172, which was passed in June 1998 following the Indian and Pakistani nuclear tests, should be withdrawn. This resolution condemned the South Asian nuclear tests and, among other things, urged “India and Pakistan, and all other States that have not yet done so,” to sign the NPT. Some commentators in Egypt, Germany, and other states without nuclear weapons pointedly argued against

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**IMPLEMENTING THE THREE-STATE SOLUTION (continued)**

any formal slackening of pressure on India, Israel, and Pakistan to sign the NPT as non-nuclear-weapon states.

On balance, the most realistically constructive option may be to fashion a new, superseding Security Council resolution that would formally welcome explicit commitments by the three states to forgo nuclear explosive tests, to implement and enforce comprehensive national laws barring sensitive exports, to adopt state-of-the-art technologies and practices to secure all nuclear materials, to participate constructively in Conference on Disarmament negotiations to ban production of fissile material for nuclear weapons or other nuclear explosive purposes, to refrain from increasing the declared and undeclared role of nuclear weapons in their national security policies, and to commit to the peaceful resolution of conflicts. Each of these policies is called for in Security Council Resolution 1172; a new resolution's binding of the three states to these obligations would be a significant enough gain for international security to warrant agreement that it supersedes Resolution 1172, whose more ambitious aim is highly unlikely to be achieved.<sup>b</sup>

India may want additional benefits, but this desire flows from an anachronistic belief that the world somehow owes something to states with nuclear weapons. Today, obligations flow the other way. States possessing nuclear weapons should be judged by their contribution to the global interest in preventing the spread and use of these devices. The way for India to gain a larger international role is to demonstrate its commitment to strengthen international norms and rules preventing the spread

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**IMPLEMENTING THE THREE-STATE SOLUTION (continued)**

and possible use of nuclear weapons, for example, by adhering fully to all Nuclear Suppliers Group guidelines, as Israel does. India would bolster its case for international leadership by providing global public goods in this manner, rather than withholding them in order to negotiate what many others would see as a weakening of nonproliferation rules. For its part, Pakistan should recognize that its egregious failure to prevent the immense harm done by the commercial nuclear network of A. Q. Khan creates a debt to the international community that can only be repaid by unconditioned compliance with the strongest nonproliferation practices (including full cooperation in eradicating that network).

Global citizenship should help impel India, Israel, and Pakistan to adopt the most stringent nonproliferation policies and practices, including participation in a contact group to establish state-of-the-art security over nuclear materials as discussed in chapter 4. A similar recognition of interdependence should motivate the rest of the world to drop barriers to assisting India, Israel, and Pakistan to ensure safe operation of their nuclear facilities. As the three adopt the nonproliferation policies advocated here and put all of their civilian nuclear facilities under safeguards, the Nuclear Suppliers Group should remove restrictions on transferring equipment that these states need in order to bring safeguarded nuclear plants up to the highest safety standards. This should include “trigger list” technology if necessary. The U.S. Congress and nonproliferation agencies have opposed taking this step. This resistance has extended to the

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### IMPLEMENTING THE THREE-STATE SOLUTION *(continued)*

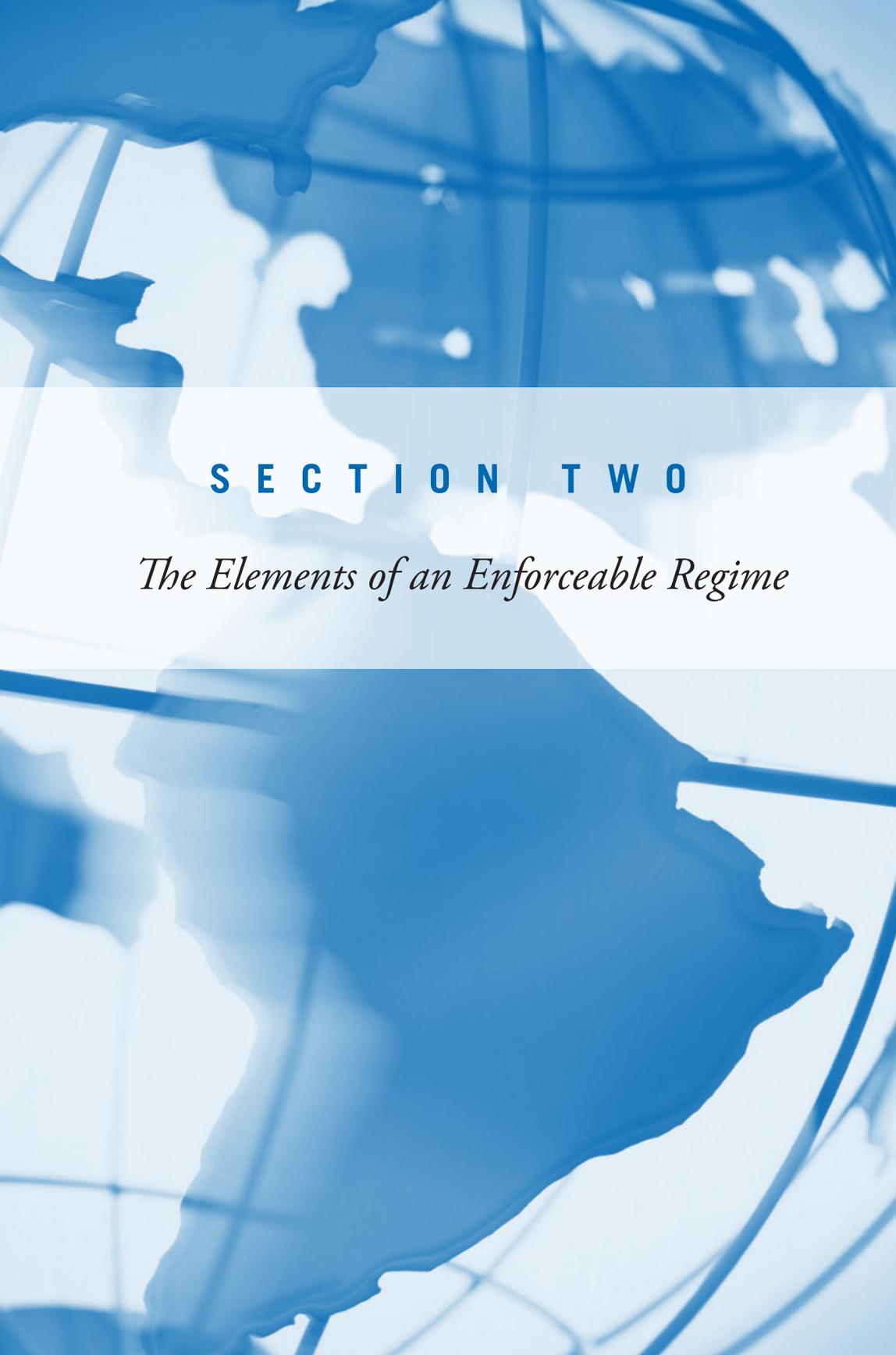
Nuclear Suppliers Group, with the result that safety cooperation with these nonparties to the NPT has largely been limited to lectures on best practices.

All care must be taken to ensure that transferred equipment does not augment these countries' military capabilities. But, the "principle" of withholding cooperation in nuclear safety to punish a state for not forswearing nuclear weapons is morally hollow and practically dangerous. As Chernobyl showed, unsafe operation of nuclear facilities can threaten long-term human and environmental health on a massive scale. There is obviously a global interest in preventing nuclear accidents. Nor will withholding safety cooperation motivate a state to reverse its nuclear policies. All it does is make innocent people more vulnerable to nuclear calamity than they need to be. At the same time, the three states must accept that some old nuclear facilities cannot be made sufficiently safe even with international assistance. The same imperative to protect long-term human and environmental health requires that these reactors be shut down.

#### Notes

- a Were these states to dismantle uranium enrichment and plutonium reprocessing facilities, and place all nuclear reactors under international safeguards, international cooperation in supplying power reactors and fuel cycle services would make sense from a global security standpoint.
- b India, Israel, and Pakistan are not the only states practically unlikely to fulfill all of the objectives recommended in Resolution 1172, which include a call for "the five nuclear-weapon States to fulfill their commitments relating to nuclear disarmament under Article VI" of the NPT.





S E C T I O N   T W O

*The Elements of an Enforceable Regime*





## CHAPTER THREE: STRENGTHENING ENFORCEMENT

Strengthened enforcement is a critical part of a nonproliferation strategy of universal compliance. The administration of President George W. Bush has significantly improved enforcement: It has both developed new mechanisms, such as the Proliferation Security Initiative, which blocks illicit transfers, and refocused international attention on export control mechanisms.

The flaw in the Bush administration's enforcement approach is its narrow reliance on counterproliferation and preemptive force. This emphasis undercuts alternatives—such as strengthened inspections—that can resolve disputes without military confrontation. Selective enforcement against three “evil” states risks overlooking grave dangers in others, such as Pakistan.

A new strategy must retain the coercive options but further strengthen a broad set of voluntary and mandatory enforcement mechanisms on both the national and international levels.

### **New International Law**

In many countries, stealing nuclear material is no more of a crime than stealing a car. Given the consequences, every nation with nuclear warheads or weapon-usable materials needs to make theft of such items a serious offense. International laws need to go further, and deny violators safe havens. As Matthew Meselson and Julian Robinson have noted, “National criminal legislation,

so far enacted by only a minority of states, is no substitute for international criminalization.”<sup>14</sup>

Strengthened international law will only help if combined with leadership by the most powerful countries to push for and enforce these measures. Many states resist establishing and enforcing international law for fear they might constrain their own options more than deter bad behavior by others. The most powerful countries, particularly the United States, at times calculate that they can use their unrivaled military force or economic leverage to coerce “bad guys” in the absence of international law. But an effective legal system cannot be both: comprehensive against actions that alarm certain states, lax when it suits these states.

### **STRENGTHENING INTERNATIONAL LAW**

A more ambitious international legal regime would strengthen deterrence against illicit activities, and also strengthen states’ basis for prosecuting proliferation activities. UN Security Council Resolution 1540, which was adopted unanimously on April 28, 2004, is a laudable step in this direction. Initiated by the United States and France, it reflects broad international agreement on the urgent need for international controls of nonstate proliferation activities.<sup>15</sup> The resolution calls on all states to establish domestic controls to prevent proliferation and adopt national legislative measures to that effect. It also provides international authorization for seizure of illegal material transfers by making them subject to Chapter VII of the UN Charter. (Chapter VII permits the Security Council to use sanctions or military force in response to threats to international peace and security.)

To facilitate compliance with the laws criminalizing proliferation behavior, the Security Council or relevant specialized

institutions such as the IAEA need to develop a mandatory declaration system that will help distinguish between legitimate and illegitimate trade. Members of the Nuclear Suppliers Group have agreed to provide transfer information to the IAEA, but reporting is inconsistent and voluntary. As a start, the Nuclear Suppliers Group should adopt a binding requirement that all states notify the IAEA of each approved export of sensitive nuclear technology or material on a timely basis. Pursuant to Resolution 1540, the UN Security Council should ask the IAEA to develop a model for universalizing such a reporting requirement. A transparent reporting requirement would establish a legal basis for discriminating between legitimate commerce and illegitimate proliferation. Undeclared exchanges (such as those by the A. Q. Khan network) would be illegal on their face, while declared exchanges would be conducted under existing export control and customs regulations.

Furthermore, the IAEA should adopt a rule proscribing foreign assistance to a state that the agency cannot certify to be in full compliance with transparency and safeguard obligations under the NPT. Proscribed assistance would encompass nuclear activities and facilities that have weapon applications, specifically reactors, uranium enrichment, plutonium separation, and isotope separation facilities. To prevent states from sidestepping these obligations, the rule should also specify that members of the IAEA adopt national legislation making it illegal for any entity on their territory to facilitate forbidden assistance to a state the IAEA does not deem to be in full compliance with its transparency and safeguard obligations.

The United States, France, and other like-minded states should request that the 2005 NPT Review Conference urge the IAEA to adopt the central thrust of this proscription on assistance. The

rule would raise the costs and risks of cheating on transparency and safeguard requirements, and extend the burden of compliance not just to recipients of technology and know-how but to providers as well. In the event that a state ignored these prohibitions and continued a supply relationship with a noncompliant state (directly or by allowing entities on its territory to do so), the IAEA would be required to refer the matter to the Security Council for enforcement.

The UN Security Council, as the ultimate enforcement authority of the NPT, should adopt a resolution clarifying that a state that withdraws from the treaty remains responsible for violations committed while still a party to it. Like most treaties, the NPT has a withdrawal clause, Article X, which allows each party to withdraw if its “supreme interests” are threatened. However, from the standpoint of deterrence and enforcement, it is important to disabuse states of the idea that they can circumvent their NPT commitment, creep up to the nuclear weapons threshold, withdraw from the treaty, and quickly put together nuclear weapons without facing consequences.

The Security Council should adopt a resolution that a state that withdraws from the NPT—whether having violated it or not—may no longer make use of nuclear materials, facilities, equipment, or technology it acquired from another country before that withdrawal. This resolution should require further that such facilities, equipment, and nuclear material should be dismantled, destroyed, or returned to the supplying state under international verification. If the withdrawing state proves unwilling or unable to comply, the Security Council or the technology-supplying states could, as a last resort, authorize destruction of the facilities, equipment, or material in question. In support of this resolution

(but not conditioned on it), the Nuclear Suppliers Group should agree to include clauses in technology assistance transfer agreements to the effect that sensitive or major transfers of nuclear materials, facilities, equipment, or technologies may not be used in the event that a receiving state withdraws from the NPT. Suppliers would then have greater leverage to persuade or compel recipients to comply with their nonproliferation obligations.

### **VOLUNTARY ACTION**

While an enforced legal regime related to nuclear proliferation is taking shape, companies, banks, and even nongovernmental organizations should join forces to ensure that international trade and lending practices also address the problem. *Voluntary measures* are a way to do so quickly. In recent years, such measures have been pursued as a means for states and nonstate actors alike to avoid new regulation or mitigate serious problems, in the absence of or pending the passage of new laws.

Voluntary measures would be no substitute for seeking an international regime to criminalize proliferation. Indeed, such negotiations should be expedited. At the same time, voluntary measures would permit key players, especially in the commercial arena, to take early action. International consensus on the need for such measures would add moral force to the measures themselves, and strong impetus to the negotiations to establish the legal regime.

For example, countries might volunteer to pursue a code of conduct that would prohibit aiding and abetting proliferation of nuclear components and technologies. The international code of conduct regarding proliferation of missile components is an example of such an approach. The Missile Technology Control

Regime (MTCR) is already in place, and has long operated as a mechanism to control exports from producers of missile-related technologies. The missile technology code of conduct has come into existence just in the past five years, as a way to reinforce the MTCR. The code draws additional countries, not members of the MTCR, into an international consensus on the need to control exports related to missile technology. Thus, it is a voluntary mechanism that reinforces an existing regime and seeks to expand the circle of countries that hold to its principles.

### *Banking and Lending Institutions*

The banking industry has already become involved in an array of voluntary mechanisms in recent years, such as those that address concerns about environment and labor policy. The “Equator Principles,” which originated with the World Bank, provide guidelines for lending to countries that historically have not shown much concern about maintaining environmental or social standards in large projects. The Equator Principles ask lenders to require that such standards be maintained in a project as a condition of lending. An increasingly wide array of banks subscribe to the principles in their lending practices, if only to avoid the embarrassment of lending to a project that turns out to be environmentally unsound or harmful to local cultures.<sup>16</sup>

Banks could also embrace “nonproliferation soundness” as a principle of their international lending. The damage caused by nuclear proliferation could be as destructive as the long-term effects of environmental or social damage, with more immediate and devastating effects on the global economy. Some have calculated that a single nuclear bomb, detonating in lower Manhattan, would cost the world economy three trillion U.S. dollars within

one year.<sup>17</sup> Preventing such an event is thus, for banks, sound business practice.

An example of how such a voluntary approach might work in international lending is provided by the case of the company in Malaysia that was producing centrifuges for Libya on contract to a front company in Dubai. The Malaysian manufacturer apparently had to buy a great deal of equipment and retool a factory in order to produce the centrifuges. Although it has not been disclosed whether the Malaysian firm had to borrow money for this upgrade in its capacity, any viable company has to seek loans from time to time.

Therefore, banks might consider, as one condition for granting a loan, whether a company has a clean nonproliferation “bill of health.” This nonproliferation standard might be added to an existing mechanism, such as the Equator Principles. Alternatively, a wholly new code of conduct might be drawn up to highlight the particular problems associated with nuclear proliferation. If a company contributed to the building of an illicit nuclear bomb somewhere, and that bomb fell into the hands of terrorists, the damage to the international community would be profound.

Not all lending comes from the big multinational commercial banks or international lenders such as the World Bank. In many countries, especially in Asia, private and state banks are tightly connected. Here it may be necessary to develop a hybrid system that is not strictly voluntary, but involves instruction from the state. For example, the Chinese government could require banks to incorporate a nonproliferation standard into lending. This would be an extension of the increasingly developed Chinese export control system.

### *Investment Houses*

Companies not only borrow, they also raise capital by seeking investors. Increasingly, large investment managers and equity funds are pushing companies to comply with best practices as a prior condition of investment. Their concern is the reputational damage to their portfolios that could result if companies in which they are investing commit human rights violations or other abuses.

The approach of F&C Asset Management, a leading European investment manager with £118.2 billion under management, is an example. F&C “engages in dialogue with the companies in which it invests, in order to assess how they manage risks related to governance, social, environmental and ethical factors. They do this to encourage good business practices that would enhance the value of the company for shareholders.”<sup>18</sup> Examples of good practice would include developing specific policies to target the risks, establishing special review committees, defining accountability and reporting procedures, and training staff. Again, including nuclear proliferation on the list of risk factors should be attractive to investment firms concerned about damage to their reputations.

### *Manufacture and Service Industries*

Large industries and manufacturing firms, including multinationals, could adopt their own codes of conduct to combat proliferation problems. Like the lending and investment institutions, at least one industry group has already developed a voluntary program to address a significant international issue. The De Beers Group, the world’s leading diamond producer, worked together with governments and nongovernmental organizations (NGOs)

to develop the Kimberley Process, a mechanism to halt the trade in conflict diamonds.

Kimberley includes both an agreed-upon international system for certifying diamond shipments, and additional recommendations for diamond mining, exports and imports, and standardized statistics on the diamond trade. It was a complex but ultimately successful process that engaged industry, government, the NGO community, and the UN. An important factor in its success was the media spotlight that NGOs were able to shine on the impact that trade in conflict diamonds was having.<sup>19</sup>

Given the dire consequences of a potential nuclear, chemical, or biological attack, media and public attention should also be a factor in influencing companies to take voluntary measures to control trade in weapon components. However, because—mercifully—such attacks have not yet occurred on a large scale, the media and public have been notoriously immune to the dangers. Pictures of the Aum Shinrikyo sarin attack in the Tokyo subway, or of the Kurds gassed by Saddam Hussein, have had some impact, but it has been ephemeral. Lack of media and public attention remains a serious constraint on development of such measures in the nonproliferation arena.

Another issue is the dual-use nature of many components that could be used in weapon programs. The Malaysian company implicated in the sale of centrifuges to Libya for uranium enrichment pleaded that it was only manufacturing certain components, and it had no idea what their exact end use was to be. This problem occurs particularly in the chemical and biological spheres, where every fertilizer plant could be turned to the production of chemical weapons, and every pharmaceutical plant to the production of biological weapons.

## **ADAPTING EXISTING TECHNOLOGY AND PROCEDURES**

Despite the diverse nature of trade in weapon components, technology as well as procedures could be put to work in solving the complicated problems of tracking and certifying end use. Such measures could be fairly intensive, such as marking individual pieces in shipments with a bar code, fiber-optic chip, or some other indelible identifying and tracking device. These technologies are already widely in use for business purposes such as inventory control. Nonproliferation assurance in this case would be an add-on to well-established procedures.

Other technologies and procedures, already existing in other sectors, might be used to track the transfer or shipment itself. For example, satellite monitoring of ships at sea is already established for certain purposes, such as tracking illegal fishing. Alternatively, procedures established to ensure proper labor or environmental practices for ships in port might be developed to provide nonproliferation assurance.

The North Koreans, for example, have complained that strict Japanese implementation of International Maritime Organization (IMO) regulations on environmental practices, including ship-board inspections, have slowed their seagoing trade with Japan to a virtual standstill. Since international concern has grown about North Korean trade in weapon materials or components, such well-established measures might also play some role in nonproliferation.

Indeed, it is high time to undertake a comprehensive review of how existing maritime and customs control measures could contribute to new, tougher enforcement activities under the Proliferation Security Initiative (PSI). Already-existing technologies and procedures, not only in the IMO system but also under

international agreements to ban trade in endangered species or to preserve natural resources such as fisheries, could provide good ideas or even the prototype for a layered approach to defeating trade in weapon components.<sup>20</sup>

While important international measures can occasionally be achieved quickly—as Security Council Resolution 1540 was—national and international laws and regulations generally take much longer. In the meantime, voluntary measures, which have not so far played a major role in nonproliferation policy, should be developed to tighten proliferation controls and effective enforcement.

## **SUMMARY OF POLICY RECOMMENDATIONS**

- ▶ Develop model national laws to criminalize, deter, and detect nuclear proliferation pursuant to UN Security Council Resolution 1540. (p. 53)
- ▶ Develop universal international law to criminalize nuclear weapon and material proliferation and facilitate prosecution of states and nonstate actors. (p. 54)
- ▶ Develop a declaration system or reporting requirement to distinguish between legal and illegal nuclear trade. (p. 55)
- ▶ Encourage the IAEA to adopt rules restricting nuclear assistance to states not in full compliance with NPT obligations. (p. 55)
- ▶ Adopt resolutions through the UN Security Council to hold states that withdraw from the NPT responsible for violations of the treaty, and prohibit their continued use of materials and facilities acquired while party to it. (p. 56)

- ▶ Pursue voluntary codes of conduct and related measures with investment, banking, and manufacturing firms to discourage and prevent nuclear trafficking. (p. 57)
- ▶ Undertake a comprehensive review of how existing maritime and customs control measures could contribute to new, tougher enforcement activities under the PSI. (p. 62)

### **Tough Diplomacy: A Revived UN Security Council**

The five veto-wielding members of the Security Council—the United States, China, France, Russia, and the United Kingdom, and their leaders—not an amorphous “UN,” will largely determine whether a rule-based international system can succeed. If they fail to lead, they will not only undermine nonproliferation, they will further weaken the UN system and their own power.

Security Council Resolution 1540 was a welcome positive step after years of indecision and rancor among Security Council members over Iraq, North Korea, and, to some extent, Iran. Serious doubts remain, however, whether the five key rule enforcers permanently ensconced in the Security Council can reconcile their often-competing interests sufficiently to present a united front against proliferation. Indeed, China and Russia have been at various times major sources of proliferation concern. They, and occasionally the other permanent members of the council, including the United States, too often eschew council action for fear of setting enforcement precedents that could complicate their own freedom of action. The Security Council’s credibility and its disposition to enforce nonproliferation are gravely weakened when its members’ hands are not clean.

No magic formula can bring the United States, Russia, China, France, and the United Kingdom into concert.<sup>21</sup> The first requirement is for U.S. leaders to want to invest the time, energy, and patience required to build mutual understanding, if not consensus, among the five regarding the nature of nuclear threats and the priority of the policies needed to achieve universal compliance with nonproliferation norms and laws.

A logical next step after Resolution 1540 would be for the U.S. administration to orchestrate a summit of the heads of state of China, France, Russia, and the United Kingdom as soon as possible after the 2005 NPT Review Conference, to clarify the commitments they will make to advance universal compliance with nuclear nonproliferation norms and rules. Such an unprecedented summit would highlight the importance these five key states attach to their role of protecting their citizens and the world from the unsurpassed danger of nuclear use. Announcing the summit before the NPT Review Conference would also increase the prospect that the conference would produce consensus, rather than discord.

The Security Council should strengthen its capacity to enforce nonproliferation on a more routine basis by further developing Resolution 1540's requirement that states file reports documenting their implementation of required laws. To manage this reporting, the council should strengthen the monitoring committee established to collect and evaluate state submissions. The committee should be modeled on the successful example of the Counter-Terrorism Committee, which monitors Resolution 1373 and which is now being bolstered with an executive director and a staff directorate. Given the importance of Resolution 1540, a similar approach is warranted. The committee should also invite

societal verification, by collecting and evaluating public-source analyses of states' compliance with the resolution's terms, and forwarding these to the Security Council.

## **SUMMARY OF POLICY RECOMMENDATIONS**

- ▶ Convene a P-5 summit to specify national commitments needed to strengthen nonproliferation mechanisms and laws. (p. 65)
- ▶ Strengthen the monitoring committee established for UN Security Council Resolution 1540 to collect and evaluate state reports documenting implementation of nonproliferation laws. (p. 65)

## **Inspections That Work**

Robust international inspections are a key element of a layered defense against proliferation. International inspections add credibility and legitimacy to nonproliferation enforcement, as well as considerable skill and institutional memory. The United States has formidable resources that can supplement international inspections.

It is already established U.S. policy to increase IAEA nuclear inspection capabilities, but to date the policy has been little more than words. At a minimum, the agency needs an increased budget and expanded powers. The IAEA suffered more than a decade of zero budget growth despite a growing number of responsibilities.

As President Bush, IAEA Director General ElBaradei, and the UN's report of the Secretary-General's High-Level Panel on Threats, Challenges and Change have suggested, the Additional Protocol to the existing safeguards agreements should be mandatory for all states. Fewer than a third of the 191 UN member states have brought into force this protocol allowing broader and

more intrusive inspection of nuclear facilities. (The United States ratified the protocol in early 2004.) The United States should use every opportunity to make implementation of the protocol mandatory, starting with consensus building on the matter at meetings of the Group of Eight (G-8), the NPT Review Conferences, the North Atlantic Treaty Organization (NATO), the Asia-Pacific Economic Cooperation Forum, and the Organization of American States. As discussed in chapter 4 of the present report, “Stopping Transfers: Export Controls and Interdiction” (p. 116), nuclear transfers by members of the Nuclear Suppliers Groups should be made conditional on ratification.

The United States should encourage the UN secretary-general to charter a review of the inspections performed by both the UN Special Commission on Iraq (UNSCOM) and the UN Monitoring and Verification Commission (UNMOVIC) in Iraq. It now appears that even under the most trying circumstances, these intrusive inspections had considerable success. In conjunction with military actions, sanctions, and export-import mechanisms, the inspection process ultimately led to the discovery and elimination of all of Iraq’s unconventional weapons and production facilities; inspectors were also able to destroy or monitor the destruction of chemical and biological weapons agents.<sup>22</sup>

Based on that inspections review, the UN Security Council should consider establishing under its authority a permanent international nonproliferation inspection capability. Other inspections capacities exist: the IAEA for nuclear programs, and the Organization for the Prevention of Chemical Weapons (OPCW) for chemical materials and facilities. However, there is currently no inspection authority able to carry out special inspections, to cover states that do not participate in the relevant treaties, or to address

the potential presence of biological weapons and missiles. This new capability would fill these gaping holes while providing for close coordination with the IAEA and the OPCW.

One way to create this capability is to build on the experiences and skills of the inspection teams established for Iraq. The Security Council could revisit the UNMOVIC verification and monitoring mandate in Iraq and expand it to other nations as needed. UNMOVIC currently has fifty experts serving at UN headquarters and maintains a roster of 350 experts from fifty-five nations able and willing to undertake inspections. The UN inspectorate could be maintained with an active core staff, expanding when needed for each particular mission. Such a permanent inspection capability could provide institutional memory, international expertise, and valuable, readily deployable capabilities at low cost. This would not only ease the burden on the United States but would more effectively provide the long-term monitoring and verification that is a vital part of the inspections process.

Dr. Barbara Hatch Rosenberg of the State University of New York has developed a detailed outline of the possible functions, structure, and requirements of a new UN inspections agency.<sup>23</sup> Other useful studies include an analysis by Trevor Findlay of the Verification Research, Training, and Information Centre in London.<sup>24</sup>

## **ELEMENTS OF SUCCESSFUL INSPECTION REGIMES**

Past experience suggests that international inspections are an effective response to proliferation when three factors are present: a strong mandate, sufficient inspection budgets and resources, and consensus on robust consequences, including the possible use of military force.

### *A Strong Mandate*

A united UN Security Council is key to any inspection regime. Security Council resolve will not be easy to maintain—especially over time, as the experience in Iraq suggests—but it is so critical to success that it is worth the effort. With it comes the legitimacy and independent verification that no unilateral inspections can match. Without it, sanctions and export-import controls, both of which require multilateral support, would likely collapse. Again, the credibility and effectiveness of the permanent members of the Security Council are at stake. Their failure to act when the IAEA sent the North Korean case to it in 2002, and the council's apparent reluctance to have the Iran case referred to it, make clear that achieving political resolve is a major challenge.

### *Sufficient Inspection Budgets and Resources*

Inspectorates require adequate capabilities and resources, including U-2 high-altitude spy aircraft and other surveillance equipment, helicopters, unfettered access to scientists and sites,<sup>25</sup> and shared intelligence from many nations. This final factor is absolutely critical to the success of any inspection regime, because it allows inspectors to better identify suspect sites and individuals with access to valuable information. In addition, adequate funding is necessary to ensure the continued monitoring and destruction of existing weapons stockpiles around the world. To help protect against terrorist theft from weapons stockpiles and to increase the ability to verify that states are complying with nonproliferation commitments, the United States should lead efforts to increase the budgets and technical capabilities of international inspection agencies.

***Consensus on Robust Consequences,  
Including the Possible Use of Military Force***

Finally, any inspection effort must be backed by credible consequences in the event of noncompliance. After years of defiance, when the United States was poised to invade Iraq in 2003, Saddam Hussein complied with the inspections, even if that compliance did not extend to full disclosure of past activities. Future solutions will undoubtedly require a modified approach, as a massive military buildup will not often be possible. Policy makers should consider alternatives, such as coercive inspections, that offer stronger and more intrusive inspections backed up by credible force in cases of obstruction.<sup>26</sup>

In the event that inspections, sanctions, and other constraints do not succeed in the task of disarming an uncooperative nation, the UN or a credible coalition of nations should be prepared to authorize military force as an option of last resort. The involvement of a UN Security Council inspectorate could make the Security Council more likely to use force, as it would have its credibility at stake.

**SUMMARY OF POLICY RECOMMENDATIONS**

- ▶ Urge the UN secretary-general to charter a review of the performance of its two Iraq-focused commissions, UNSCOM and UNMOVIC. (p. 67)
- ▶ If the findings of this review warrant, urge the UN Security Council to consider establishing a permanent international nonproliferation inspection capability for chemical and biological weapons and delivery systems. (p. 67)
- ▶ Use all venues to advocate adoption of the IAEA's Additional Protocol by all states. (p. 66)

- ▶ Work to provide international inspection regimes with a strong international mandate, sufficient budgets and resources, and international consensus on robust consequences in the event of noncompliance. (p. 69)

## **The Use of Force: Counterproliferation and Preemption**

Counterproliferation has a key role in nonproliferation policy. In *National Strategy to Combat Weapons of Mass Destruction* (December 2002), it is highlighted as one of the three pillars—along with nonproliferation and consequence management—of deterrence and defense against nuclear, chemical, and biological weapon use. If diplomacy and deterrence fail, the United States must have military forces ready to defeat attacks involving unconventional weapons. Currently, however, U.S. strategy and budgeting substantially overemphasize military responses to proliferation at the expense of the other two critical pillars. Terrorism, in addition, presents the new challenge of dispersed groups and facilities that are difficult to attack with traditional military means. A broader counterproliferation approach is necessary.

Efforts to strengthen counterproliferation should focus on four areas, the first being the ability of U.S. forces to fight in a nuclear, chemical, or biological warfare environment. Activities to enhance U.S. capacity in this area would include research on and acquisition of chemical and biological warning sensors, vaccines, protective coverings and sealed vehicles, and means of base protection. Second, new conventional weapons for attacking chemical or biological arms must also be pursued. Third, better equipment and training for police, firefighters, and other service personnel

most likely to be involved in terrorist pursuit and response within the United States must be developed and made available. Fourth, accurate, timely intelligence to detect illicit activity and potential threats is a critical element that must be continuously reviewed and improved.

### **PROSPECTS OF COUNTERING MISSILE ATTACKS**

The bulk of the U.S. counterproliferation defense budget is devoted to antimissile weapons—currently some \$11 billion per year, out of a total of roughly \$13 billion—and most of this is spent on a national system to counter long-range missiles.<sup>27</sup> This allocation is greatly disproportionate to the threat from ballistic missiles and does little to defend against the most probable threats. The U.S. intelligence community and military officials have concluded for years that the United States is most likely to be attacked with a nuclear weapon covertly delivered on a ship, plane, or truck.<sup>28</sup>

Of the more than 190 nations in the world, 30 have ballistic missiles. Most of these are friends of the United States, and most (i.e., 19) have only short-range missiles. Only China and Russia currently are able to attack the United States with nuclear warheads on long-range, land-based missiles.<sup>29</sup> Only one hostile state, North Korea, has the potential to hit even part of the United States with a missile launched from its own territory. The most significant missile threat today comes from the slow but steady increase in the number of states testing medium-range ballistic missiles. Seven nations—China, India, Iran, Israel, Pakistan, North Korea, and Saudi Arabia—now have such missiles. In sum, the ballistic missile threat today is limited and changing relatively slowly.<sup>30</sup>

Research on antimissile systems should be depoliticized and

restructured. All systems should undergo thorough, realistic testing to ensure that the United States and its armed forces get weapons that work. The president should ask the Joint Chiefs of Staff, absent political pressures, for their assessments of the missile threat and their budget recommendations for defensive systems. When the Joint Chiefs were asked in 1993, they recommended that research be funded at modest levels for a national system to counter long-range missiles and that the majority of the funds be spent on effective interceptors for the short-range threat U.S. troops and U.S. allies actually faced. Only modest changes in the threat have occurred since then.

There are several practical means of addressing the missile threat. Efforts to intercept missiles while they are outside the atmosphere can be easily thwarted by lightweight decoys and other countermeasures available to any country capable of building a long-range missile. The Alaska-based antimissile system has not proved capable of defeating these countermeasures and has experienced substantial schedule and testing delays, budget overruns, and technical problems. Military planners cannot and do not count on it to provide an effective defense. A better defense against a North Korean missile would be a “pre-boost-phase intercept” that would destroy any threatening missile on its launch pad.

Also, the Alaska system could not intercept a short-range missile launched from a cargo ship off the U.S. coast. It is impractical to proliferate short-range anti-missile systems (such as Patriot or Aegis ship-based systems) in the numbers needed to guard every incoming ship. The best defense would be to interdict the ship before missile launch.

For ground-based attacks, systems capable of intercepting Scuds and Scud derivatives, such as the North Korean 1,000-km-

range Nodong and its cloned cousins, Iran's Shahab and Pakistan's Ghauri, should be developed. These missiles could threaten U.S. forces in the field and U.S. allies. It is not clear whether any of the nations that have these weapons also have nuclear warheads suitable for missiles, but their acquisition of such warheads cannot be ruled out in the future. In other areas, research on adapting the anti-aircraft system on Aegis ships to counter short-range missiles should continue. Despite substantial funding, however, progress has been slow, and expectations about the military utility of the Aegis system should be modest.

Experiences in South Asia and Cyprus (where the United States objected to the introduction of anti-missile systems as a destabilizing move in this tense region) demonstrate that even short-range anti-missile systems can have the unintended consequence of stimulating new missile deployments. Greater efforts should be devoted to preventing the missile threat in the first place by, for example, reconsidering President Reagan's Reykjavik proposal to eliminate all ballistic missiles, or by making the U.S.-Russian ban on intermediate ballistic missiles a global treaty, or by ending the trade in short-range ballistic missiles.

## **PREEMPTION**

The United States has the inherent right and moral obligation to take preemptive military action against imminent threats to its national security or that of its allies. Future proliferation threats, however, may not appear as immediate dangers.<sup>31</sup> The United States had trouble acquiring broad support for the invasion of Iraq because U.S. actions were largely perceived as preventive—destroying a threat before it was imminent—rather than preemptive—destroying an imminent threat.

**Table 3.1. The Thirty Nations with Ballistic Missiles**

<b>NINETEEN COUNTRIES POSSESS ONLY SHORT-RANGE BALLISTIC MISSILES (RANGE UNDER 1,000 KILOMETERS).</b>			
Afghanistan	Greece	South Korea	Ukraine
Armenia	Iraq	Syria	United Arab Emirates
Bahrain	Kazakhstan	Taiwan	Vietnam
Belarus	Libya	Turkey	Yemen
Egypt	Slovak Republic	Turkmenistan	
<b>SEVEN COUNTRIES POSSESS MEDIUM-RANGE BALLISTIC MISSILES (RANGE OF 1,000–3,000 KILOMETERS).</b>			
China	Iran	North Korea	Saudi Arabia
India	Israel	Pakistan	
<b>ONE COUNTRY POSSESSES INTERMEDIATE-RANGE BALLISTIC MISSILES (RANGE OF 3,000–5,500 KILOMETERS).</b>			
China			
<b>FIVE COUNTRIES POSSESS INTERCONTINENTAL BALLISTIC MISSILES (WITH RANGES OF 5,500+ KILOMETERS)</b>			
China	Russia	United States	
France	United Kingdom		

Leaders as diverse as former Secretary of State Henry Kissinger and UN Secretary-General Kofi Annan have called for an initiative to establish international guidelines for possible military action against grave but nonimminent threats.<sup>32</sup> The UN High-Level Panel has recommended criteria for the Security Council to use in considering whether to authorize the use of force.<sup>33</sup> Without such guidelines, Kissinger warns, the world could become increasingly chaotic, with numerous countries embarking on preventive

military campaigns justified by a variety of individual standards. The best venue for negotiating such guidelines is the UN Security Council, though others, such as NATO, should be explored.

The process of negotiation itself will be valuable in clarifying vital issues, even if ultimate agreement is not reached. Situations requiring an international recommendation for preemptive military action are likely to be rare, but because such action could entail very high costs, it is vital to try to ensure international support. If international actors are reluctant to support military intervention, they should alternatively feel compelled to strengthen international resolve, procedures, and instruments to prevent proliferation crises from emerging in the first place.

Recent experience suggests that the following criteria should be considered in devising guidelines: the standards of imminence; deterrability of the threat; confidence in intelligence assessments; clarity of purpose; cost-benefit ratio of military action; and breadth of political authority.<sup>34</sup>

### *Clarify the Standards and Implications of Imminence*

Imminence of threat has been a key legal and customary criterion in determining the legitimacy of preemptive force or anticipatory self-defense. Before the Iraq War, imminence was generally understood as a credible, specific threat that was likely to be exercised in the immediate future.<sup>35</sup> However, terrorists' capacity to acquire chemical, biological, or nuclear weapons and attack without warning complicates this state-based standard. Thus, there is a genuine need to develop an internationally shared and valid definition of "sufficient imminence" to warrant the use of force.

The standard of imminence considered sufficient to warrant military action should vary with the magnitude of the

threat. This requires a disaggregation of the threat. The now-ubiquitous phrase “weapons of mass destruction” conflates three very different categories of weapons whose use would pose distinctly different levels of threat, both physically and in terms of the impact on international order.

Nuclear weapons pose incomparably grave threats in scale and potential damage to international order. Biological weapons can theoretically kill huge numbers of people and sow international disorder, but few potential adversaries have the combination of biological agent and dispersal mechanism to wreak such damage. Chemical weapons are relatively easy to develop and deploy, but the scale of potential impact is far less than for either nuclear or biological weapons. The threshold warranting military action—that is, the degree of imminence required—should vary inversely with this risk. That is, among the three, action against a nuclear threat should require the lowest degree of certainty and imminence. Regarding biological weapons, the cost-benefit calculus of military force should take into account the likelihood that the possessor has both the biological agent and the means to disperse it on a broad scale.

### *Assess the Deterrability of the Threat*

Decision makers must also assess rigorously whether the suspected possessor of a given category of weapons is deterrable. That is, the urgency of military action would be less against actors that were demonstrably deterrable than against those who appeared unbowed by the threat of military retaliation. Ideally, the United States, with international backing, could simply destroy the offending nuclear capability with little military or political consequences. But rarely are such conditions encountered. Trade-offs must be weighed

between the consequences of military action and the effects of falling back to a deterrence and containment strategy.

Reliance need not be placed on wholly subjective assessments. History is a guide, but must be evaluated carefully. In the case of Iraq, for example, many officials and pundits cited Saddam Hussein's use of chemical weapons against Iran and his own population in the 1980s as proof that Iraq was undeterrable. Yet, closer analysis indicated that Saddam only used chemical weapons against targets that were militarily weak and did not possess chemical defenses. After the 1991 war, faced with a determined international military coalition, Saddam was clearly deterrable.

### ***Build Shared Confidence in Intelligence and Threat Assessments***

The 2002 U.S. National Security Strategy recognized that the legitimacy of “preemptive” force depended on outstanding intelligence capabilities and close coordination “with allies to form a common assessment of the most dangerous threats.” The lesson of Iraq, however, was not only that intelligence was poor, but that few states agreed with the U.S. assessment of the Iraqi threat, including the link to terrorists. If U.S intelligence assessments are improved and internationally vetted, it should be easier to generate shared confidence. Intelligence can provide the necessary leads for conducting cooperative inspection or verification of violations, further building the unity needed for joint military action.

Two elements should be considered in evaluating intelligence. First, if intelligence is not sufficiently exact as to the locations of nuclear, biological, or chemical weapons and their related infrastructure, then doubt should increase whether intelligence is sufficient to warrant invasion of another state, if these weapons are the

justification for the invasion. Second, if and when threat assessments are uncertain, policy makers should not delete caveats and uncertainties in advocating actions of last resort (i.e., the use of force). Use of force may still be sound policy, but decision makers should be able to demonstrate its soundness without downplaying intelligence uncertainties.

### ***Distinguish between Actions to Target Weapons and Actions to Remove Regimes***

The costs and risks of targeting threatening weapons can be more readily contained than the costs and risks of removing governments. Military action to remove governments, therefore, should be subject to the most rigorous criteria, while action to remove weapons and related infrastructure could be justified more readily.

In 1998 the United States bombed a pharmaceutical plant in Khartoum, Sudan, which U.S. intelligence believed was being used to produce chemical weapons. Subsequent investigation determined that the intelligence informing the attack was mistaken. Although the incident was an embarrassing intelligence mistake, the physical damage was modest, and partially remedied by payment to the factory's owner, pursuant to a lawsuit.

By contrast, the consequences of the military invasion of Iraq to remove Saddam Hussein's regime are enormous and long-term. Whether or not the Iraq War proves salutary, the point is that distinctions should be made in considering whether the object of military force is specific weapon capabilities or the removal of a government.

### ***Establish Military Action as a Last Resort***

War should continue to be an act of last resort, but its wisdom and legitimacy depend on whether other means to prevent or

redress a threat have been truly exhausted. In many ways, this is a subjective judgment. The difficulty of making such assessments in the middle of a crisis highlights the imperative of more resolute international enforcement of stronger nonproliferation rules *early* in the development of threats.

This subjectivity is one of the reasons for developing international guidelines for preemptive action in the first place. An international negotiation should establish a scale of prevention and enforcement actions that, where possible, should be pursued before a resort to force against threats that are not self-evidently imminent.<sup>36</sup> This prior standard would provide a benchmark for a state, a coalition, or the UN Security Council to use in arguing that no further recourse is left but military action. Debate cannot be unlimited, however. A balance must be struck between taking joint action and taking action before time runs out.

### ***Establish the Prospects for Success and the Cost-Benefit Ratio of Military Action***

Force should be applied only with confidence that it will be effective, and at a cost in lives and international order proportional to the threat.

International support for military action (absent a clear need for self-defense or an imminent threat) is necessary to share the cost and risks of the operation and to enhance global order and security in the aftermath. This requires more rigorous and shared assessments not only of the prospects for immediate success of military action, but of likely subsequent developments. Guidelines should require rigorously vetted strategies for making the postwar environment significantly better than its antecedent, including the possibility that the military action might deter other actors from developing or acquiring similar threatening capabilities.

The converse also must be analyzed: that other actors will feel emboldened to strike preventively against their adversaries. India and Pakistan, China and Taiwan, and Israel and Egypt or Syria are just some examples of adversaries that could follow such a precedent.

### ***Clarify the Authority under Which Military Action Should Be Taken***

The UN Security Council is often regarded as the necessary authorizing agency of legitimate force, but the experiences of Kosovo and Iraq suggest that complementary or supplementary sources of legitimacy may be necessary.<sup>37</sup> Even a partial international consensus on guidelines for preventive use of military force would augment the moral and political legitimacy of a state or coalition that acted according to these guidelines. This is important, especially for the United States, which is often seen, fairly or not, as projecting force for its own selfish interests. Because the Security Council's pace of deliberation is generally too slow to begin in the midst of a crisis, international negotiation of guidelines for military action in advance increases the likelihood of an effective international response.

## **SUMMARY OF POLICY RECOMMENDATIONS**

- ▶ Enhance and broaden counterproliferation strategy beyond purely military responses to encompass the capabilities most likely to deter and defend against the use of nuclear, biological, and chemical weapons. (p. 71)
- ▶ Restructure missile defense research and subject all antimissile systems to realistic testing. (p. 72)

- ▶ Develop international guidelines for preventive military action in the absence of imminent threat. (p. 75)



## CHAPTER FOUR: BLOCKING SUPPLY

### Securing the Nuclear Complex

A well-organized and financed terrorist group could produce a basic nuclear weapon—but only if it first could acquire enough HEU or separated plutonium to fuel a bomb.<sup>38</sup> The terrorist threat worsens the already acute risk of theft or diversion by states from the inadequately secured stockpiles of these materials around the world. *Securing weapon-usable fissile materials is, therefore, the single greatest nonproliferation priority.* As President George W. Bush has said, “The nations of the world must do all we can to secure and eliminate nuclear...materials.”<sup>39</sup>

Doing “all we can” means radically revising the management of the global nuclear complex. Piecemeal reform will not adequately protect fissile materials from theft or bridge existing gaps. While economic and political compromises will have to be made in order to meet the security imperative, a tightened regime can be compatible with full use of nuclear energy and should be undertaken in cooperation with the nuclear industry. It is important to recognize that the viability of the nuclear industry is at stake: The violent use of stolen fissile material or the collapse of the nonproliferation regime would set back the use of nuclear power generation worldwide.<sup>40</sup>

A strategy to prevent terrorists and additional states from acquiring nuclear weapons must include these four objectives:

- ▶ **SECURE WHAT EXISTS NOW.** State-of-the art security must be applied to all nuclear weapons and weapon-usable materials, whether civilian or military, everywhere. Where effective security is impossible, materials must be relocated or eliminated as quickly as possible.
- ▶ **END PRODUCTION OF WEAPON-USABLE MATERIALS.** The production of highly enriched uranium should be permanently ended and separation of weapon-usable plutonium should be suspended until current stocks are drawn down. No new countries should build or operate enrichment or reprocessing facilities. Rather, states without such facilities should have internationally guaranteed access to fuel services from existing fuel producers. All states—nuclear weapon and nonweapon alike—should place existing fuel cycle facilities under new institutional controls.
- ▶ **END USE.** Civilian research, power, and naval reactors that run on weapon-usable fuels should be converted to alternate fuels or shut down. Conversion or shutdown of civilian research reactors, including those in the United States, should be accelerated and the fuel returned to the states of origin. Permission for convertible reactors to use U.S.-origin HEU fuels should be rescinded, and material returned to the United States for disposal. The G-8 should use money from its Global Partnership against the Spread of Weapons of Mass Destruction for these purposes.
- ▶ **ELIMINATE SURPLUS MATERIALS.** Large stockpiles of weapon-usable materials in countries around the world should be securely eliminated. The U.S.-Russian plutonium disposition program should be rethought, and must include a greater focus on securing materials pending their disposition and the reinvigoration of disposition projects.

Each of these objectives is worthwhile on its own; together, they make up a comprehensive and aggressive yet realistic approach to nuclear material security. However, many of the needed steps will require significant adjustments by, and contributions from, numerous countries, and will therefore be controversial. Leadership, cooperation, and sustained political support at the head-of-state level will be a prerequisite for success.

The new standards and initiatives proposed here must apply equally to all states with nuclear materials and facilities, whether or not they are signatories to the NPT or possess nuclear weapons. Civilian facilities in a nuclear weapon state (for example, a university-run research reactor or a privately run facility) should be required to meet the same security standard and operational guidelines as a civilian site in a non-nuclear weapon state. Similarly, materials in the defense sector of a state such as Brazil or India should meet the highest standards that exist for defense-related materials in the United States or France. Terrorists searching for such materials will not distinguish among sources—they will go where access is easiest.

#### **SECURE WHAT EXISTS NOW<sup>41</sup>**

Because the most difficult part of making a nuclear bomb is acquiring the nuclear material, *all weapon-usable nuclear materials should be treated as if they were nuclear weapons, and the highest standards applied to weapons should become the global norm for all such materials regardless of use or location.*<sup>42</sup>

Currently, the IAEA publishes voluntary standards for nuclear material protection.<sup>43</sup> These standards do not adequately protect all direct-use nuclear materials against current threats, yet many states' security practices do not meet even these minimum

**Table 4.1. Global Stocks of Fissile Material<sup>a</sup>**  
(in Metric Tons)

GLOBAL STOCKS			
CATEGORY	PLUTONIUM	HEU	TOTAL
<b>Civil Stocks (rounded)</b>	<b>1,700</b>	<b>175</b>	<b>1,875</b>
Power and Research Reactor Programs	1,595 <sup>b</sup>	50	
Declared Excess <sup>c</sup>	107	125 (U.S. only)	
<b>Military Stocks</b>	<b>155</b>	<b>1,725</b>	<b>1,880</b>
Primary	155	1,250	
Naval and Other	–	175	
Russian HEU Declared Excess	–	300	
<b>Total</b>	<b>1,855</b>	<b>1,900</b>	<b>3,755</b>

Note: HEU, highly enriched uranium.

Source: David Albright and Kimberly Kramer, “Fissile Material: Stockpiles Still Growing,” *Bulletin of the Atomic Scientists*, 60, no. 6 (November/December 2004): p. 14; see also [www.isis-online.org/global\\_stocks/summary\\_tables.html#table1](http://www.isis-online.org/global_stocks/summary_tables.html#table1).

a End of 2003.

b This figure includes 230 tons of separated unirradiated plutonium.

c Russia, the United Kingdom, and the United States have declared this amount of their military plutonium in excess of their defense needs. It will be consumed for civilian uses.

**Table 4.2. The Forty-Six Countries Known to Possess Weapon-Usable Uranium**

Argentina	Germany	Latvia	South Africa
Australia	Ghana	Libya	South Korea
Austria	Greece	Mexico	Syria
Belarus	Hungary	Netherlands	Taiwan
Belgium	India	North Korea	Turkey
Bulgaria	Indonesia	Pakistan	Ukraine
Canada	Iran	Peru	United Kingdom
Chile	Israel	Poland	United States
China	Italy	Portugal	Uzbekistan
Czech Republic	Jamaica	Romania	Vietnam
Denmark	Japan	Russia	
France	Kazakhstan	Serbia	

guidelines. A new, enhanced global standard should be established requiring that the security of nuclear stocks in *all* states be brought up to the highest standards technically possible.

The United States and its allies should lead this international effort,<sup>44</sup> starting with the creation of a high-level “Contact Group to Prevent Nuclear Terrorism,” including the United States, Russia, the United Kingdom, France, China, India, Israel, Pakistan, Japan, Germany, Brazil, and any other states that possess weapon-usable material and wish to join. States that have produced and exported weapon-usable materials (including the United States, Russia, and China) would have particular responsibilities within this group, whose goal would be to develop a new, single, enhanced standard for nuclear material and weapons security. By opening participation to all states that possess stockpiles of fissile materials, a contact group would overcome the problem

of India, Pakistan, and Israel not being members of the NPT. (As an informal venue, a contact group would not confer new juridical status on any state.) Representation should be at a very high level—special envoys reporting directly to their heads of state—to convey the urgency that participating nations attach to their responsibilities. Industry and technical communities should be actively involved. The high level of the contact group would spotlight public and media attention on the nuclear security challenge and help to overcome the many bureaucratic and institutional barriers to progress.<sup>45</sup>

UN Security Council Resolution 1540's requirement that all states must "develop and maintain appropriate effective physical protection measures" could provide an already approved basis for adopting the new standard as a legal commitment for all countries once the requirements have been set by the contact group.<sup>46</sup> Previous efforts to improve nuclear security, including through the Convention on the Physical Protection of Nuclear Materials, will provide valuable lessons, but difficulties encountered in these attempts should not be allowed to deter this more ambitious effort from being pursued, this time with greater political support. It merits repeating, however, that serious and sustained political leadership will be necessary to break through the political and financial barriers to improved nuclear material security.

Once the new standards and obligations to implement them are established, countries should be offered several ways to comply. For civilian sites, this compliance could be demonstrated through acceptance of IAEA International Physical Protection Advisory Service inspections. The security of military facilities is more complex, but additional transparency and information sharing between states possessing weapon-usable materials would be a

useful mode of confidence building. The wealthiest states should also provide assistance to other countries to ensure they can meet these new standards, including financing for security upgrades and relocation of materials from states that cannot meet state-of-the-art standards.<sup>47</sup> This assistance can be provided in large part by the G-8 Global Partnership against the Spread of Weapons of Mass Destruction, which has allocated \$20 billion over 10 years for this effort, although additional funds and a broadened scope beyond the former Soviet Union will be necessary. Assistance should include sharing best practices on personnel reliability and physical protection similar to those provided by the international community to states of the former Soviet Union.<sup>48</sup> The costs of such assistance are minuscule compared to the economic, political, and strategic costs of a terrorist attack committed with nuclear materials obtained from poorly secured stocks.

To further reduce the threat from nuclear terrorism, the United States and its allies should also reorient and more aggressively pursue the Global Threat Reduction Initiative (GTRI), which was launched in 2004 by the United States. The GTRI seeks to perform a global cleanout of nuclear materials from vulnerable research facilities and to either convert or shut down research reactors that operate on weapons-grade uranium. Current plans call for implementing GTRI goals within ten years. The major obstacles to faster implementation of the program are inadequate staffing and financing, and a disproportionate emphasis on conversion—rather than shutdown—of older, unnecessary facilities. More creative approaches, including a larger number of international partners, innovative contracting, and undertaking multiple operations simultaneously, are needed. With the necessary resources and emphasis, the ten-year goal can—and should—be met in four years.

Because civilian facilities are among the most vulnerable sources of nuclear materials worldwide, securing and eliminating these stocks of material should be given relative priority. Several dozen countries possess vulnerable weapon-usable materials (almost exclusively uranium) for use in research reactors. Absent a compelling rationale for their continued use, these materials should be removed. The United States, working with Russia and other partners, should accelerate efforts to relocate the vast majority of these materials in four years, with funding levels of at least \$50 million per year.<sup>49</sup> Money should not be allowed to constrain this vital national security undertaking—dollar for dollar, the benefit will be huge. The United States needs to recognize the special risks associated with vulnerable HEU in the states of the former Soviet Union and prioritize efforts to secure this material, including its rapid repatriation to Russia, or even its relocation to the United States, as was done in Project Sapphire in 1994.<sup>50</sup> Rapid security upgrades of Russian sites containing high-risk HEU could be completed within one year.

### **NUCLEAR TERRORISM**

Related but distinct from efforts to prevent terrorists from acquiring nuclear weapons is the urgent need to prevent other kinds of nuclear-related terror attacks, including the use of radiological dispersal devices (RDDs, also known as dirty bombs) and attacks on nuclear facilities, including power and research reactors. These efforts are beyond the scope of this study, but are covered in extensive detail in Charles Ferguson et al., *The Four Faces of Nuclear Terrorism* (Monterey, Calif.: Monterey Institute for International Studies, 2004).

## **END PRODUCTION OF WEAPON-USABLE MATERIALS**

Enough civil and military weapon-usable materials exist globally to produce well over 100,000 nuclear weapons. As Table 4.1 shows, 300 metric tons of military material has been designated as excess: It is unneeded. The entire 3,755 metric tons of HEU and plutonium are difficult and expensive to protect. Effective means of disposing of large amounts of plutonium do not yet exist. For these reasons, in 1994 the U.S. National Academy of Sciences called surplus stockpiles “a clear and present danger” to international security.<sup>51</sup> Yet established producers continue to make more of these materials, and several other countries are considering or actively seeking to acquire their own facilities to add to the excess.<sup>52</sup> The continuing production of HEU and separation of plutonium are a global anomaly: acutely dangerous, expensive, and wholly unnecessary. The two halves of the threat are intimately linked: Neither can be addressed alone. Establishing a new fuel cycle system will require creating benefits for states that forgo enrichment and reprocessing; imposing costs on those that do not; and, for current producers, accepting steps of equal consequence. Specifically, successful fuel cycle reform has three necessary elements: providing internationally guaranteed fuel services to states that do not enrich and reprocess; banning further production of HEU; and implementing a plutonium production pause.

### ***No New Facilities/Guaranteed Fuel Services***

President Bush, the director general of the IAEA, the UN secretary-general’s High-Level Panel, and others have endorsed radical fuel cycle reform. On February 11, 2004, President Bush said:

The world must create a safe, orderly system to field civilian nuclear plants without adding to the danger of weapons proliferation. The world's leading nuclear exporters should ensure that states have reliable access at reasonable cost to fuel for civilian reactors, so long as those states renounce enrichment and reprocessing. Enrichment and reprocessing are not necessary for nations seeking to harness nuclear energy for peaceful purposes.<sup>53</sup>

Unfortunately, while it recognized the risks associated with the expansion of nuclear production capabilities into new states, the statement failed to take account of the dangers posed by the continued production of weapon-usable materials in states where they already exist. Little progress in furthering the president's proposed reform has yet been made, in part due to a lack of U.S. follow-up, and in part to wide resistance to the needed changes. There are concerns among developing nations that a supplier cartel would unduly restrict their access to nuclear technology and a broader reluctance among non-nuclear weapon states to accept more stringent nonproliferation obligations when nuclear weapon states are seen as failing in their commitments to disarmament.

Article IV of the Non-Proliferation Treaty states:

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this Treaty.
2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of

equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

There is a growing debate, however, whether the existence of facilities capable of producing weapon-usable materials can be considered consistent with this “peaceful uses” clause, or with the obligation of non-nuclear weapon states under Article II of the Treaty not to pursue nuclear weapons. In its 2004 report, the UN High-Level Panel recognized the problem but straddled the issue in stating that “the mounting tension between the goals of achieving a more effective nonproliferation regime and the right of all signatories of the [NPT] to develop civilian nuclear industries needs to be addressed.” The majority of member countries interpret Article IV to allow nuclear material production, but *there is nothing inherent in the right to enjoy the benefits of peaceful nuclear technology that explicitly guarantees or requires possession of enrichment or reprocessing facilities*. However, reinterpreting the NPT to restrict the ability of states to develop or possess such facilities and materials will be exceedingly difficult. States seeking this new definition, especially nuclear weapon states, will be confronted by an openly skeptical group of states unwilling to cede any ground on their access to nuclear technology as long as other existing nonproliferation obligations, including those associated with disarmament, are perceived as going unimplemented. To obtain a legal endorsement of some new standard, advocating

states will need—and should be willing—to give more in order to get more.

The first step is a new international fuel cycle arrangement that would guarantee fuel cycle services to states that do not possess domestic fuel cycle capabilities. Such a mechanism would have to provide a credible international guarantee of fresh reactor fuel and removal of spent fuel at prices that offer an economic incentive. Such an arrangement would reduce, if not eliminate, the economic or energy security justification for states to pursue their own fuel cycle facilities, and in so doing would test states' commitment to a nonweapons path. States that turn down economically attractive alternatives to costly new production facilities would engender suspicion of their intentions, inviting sanctions and other international pressures.

The Expert Group on multinational options for managing the nuclear fuel cycle, impaneled by IAEA Director General ElBaradei is evaluating different options, and the incentives that would be needed to adopt them. The Contact Group on nuclear terrorism proposed in the present chapter could advance the IAEA Expert Group's work. Several potential mechanisms for guaranteeing the supply of fresh fuel have been put forward (see "Options for Providing Guaranteed Supplies of Nuclear Fuel," page 95). Successful options will need to assure recipients that the supply arrangements will be inviolable, and the most effective will include redundant systems to provide fuel if primary sources fail.

Attempting to stem nuclear proliferation crisis by crisis—from Iraq, to North Korea, to Iran, etcetera—ultimately invites defeat. As each deal is cut, it sets a new expectation for the next proliferator. Regime change by force in country after country is neither right nor realistic. The United States would bankrupt and isolate

## **OPTIONS FOR PROVIDING GUARANTEED SUPPLIES OF NUCLEAR FUEL**

There are a number of possible arrangements for ensuring that states that abandon fuel cycle capabilities can obtain guaranteed access to fuel services. The goal in each case would be to undercut the economic argument for programs to develop enrichment capabilities.

**A COMMERCIAL CONSORTIUM OF FUEL PROVIDERS.** Government-backed collections of fuel-producing states or companies could form supply groups to commercially outcompete domestic fuel production programs. Three or more fuel-providing entities could offer reinforcing contracts to prospective buyers (if one company dropped out, another would be obligated to fulfill the contract). The fuel could be sold or leased (depending on recipient states' ability to manage spent fuel). Such an initiative would require a new level of cooperation and coordination between companies that have fiercely guarded their commercial relationships and would require intense government-corporate interactions. All of the affected companies, however, already have close (if not coordinate) relationships with their national governments, which could be used to ensure cooperation with the proposed new arrangements.

**INTERNATIONALLY MANAGED STOCKS OF FUEL.** The IAEA statute allows for states to donate nuclear materials to the control of the agency, which it can then use as directed by the IAEA Board of Governors. States could transfer the "flag" or ownership of fresh nuclear fuel that could then be transferred by the agency to

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### **OPTIONS FOR PROVIDING GUARANTEED SUPPLIES OF NUCLEAR FUEL (continued)**

states on an economically viable basis. Transfers could be made to the IAEA in lieu of or in addition to voluntary contributions to the IAEA, or seed money could be used to start a cost-neutral program of fuel transfers by the agency. In addition, the IAEA could take possession of stocks in smaller amounts to serve as a backup to commercial contracts. In the event that political, economic, or technical factors led to the end of a fuel supply arrangement, the IAEA could step in, backstopping and thereby guaranteeing continuous supply.

**BLIND AUCTIONS OF FUEL.** Fuel supply guarantees could be provided not to states but to the IAEA, which could then be empowered to conduct auctions among eligible states for the material. This would mean that states or companies would not be in a direct position to deny fuel services, since the fuel would be provided directly to and by the IAEA or some alternate body. Companies might commit (or be persuaded to commit) to provide the IAEA with a certain amount of fuel per year. Providing states would then have to fulfill these commitments, increasing the resilience of the guarantees. A political commitment could also be envisioned under which all such sales were required to go through the IAEA as a form of control and transparency.

**IAEA AS GUARANTOR.** The IAEA could itself provide fuel guarantees to states that had abstained from acquiring fuel cycle

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### **OPTIONS FOR PROVIDING GUARANTEED SUPPLIES OF NUCLEAR FUEL (continued)**

capabilities. In turn, supplying companies or states (or both) would then be required to fulfill IAEA obligations for fuel supply. Leading supplying states could sign agreements with the IAEA to fulfill commitments made by the agency on their behalf.

itself, all the while convincing additional countries that nuclear weapons would be their only protection. A more systematic approach that prevents states within the NPT from acquiring the nuclear infrastructure needed to produce nuclear weapons is the only real sustainable option. Obtaining global acceptance of this new norm will be unlikely, however, even with incentives, so long as existing facilities continue to pursue business as usual.

### **STOPPING CURRENT PRODUCTION**

The United States should work with other countries committed to nonproliferation to end the production of HEU, and to adopt a temporary “pause” in the separation of plutonium.

Under an HEU production ban, uranium enrichment needed for the supply of low-enriched reactor fuel would continue.<sup>54</sup> Institutional measures should be adopted to improve the transparency of operations, and therefore improve confidence that facilities continue to be dedicated only to this purpose. These steps should include application of integrated safeguards, remote detection equipment, and real-time monitoring equipment to detect alterations. Annual national declarations of HEU holdings and production should also be required, as described in the section “Global Nuclear Accounting” below.

Plutonium is more complicated. There is a massive global oversupply of weapon-usable plutonium for both civil and defense purposes. Enough separated plutonium exists to fuel the reactors that need it for several decades. Freezing production would permit the steady drawdown of these dangerous stockpiles.

The pause would require several countries, including the United Kingdom, France, Russia, and Japan, to cease operation at large industrial reprocessing facilities, and would entail significant financial, technical, and political hurdles. It is possible that some of these states, and other key actors such as India, would reject the goal of a moratorium out of hand. Many in the technical community would oppose it, arguing that plutonium use is an efficient energy strategy. Notwithstanding these difficulties, the accumulation of plutonium constitutes such a large global threat in today's circumstances that the security imperative should override other considerations and be vigorously pursued.

The proposed pause would last only until current stocks were sufficiently reduced to allow for resumed production on a just-in-time basis (perhaps twenty to thirty years). States that currently use plutonium-based reactor fuel (known as mixed oxide, or MOX, fuel) would continue to do so, drawing on existing stocks. If they did not have sufficient stocks, they could exchange plutonium-bearing spent fuel for equivalent amounts of plutonium-bearing fresh fuel from states such as France, Russia, or the United States. They could also make use of excess weapons plutonium in Russia and the United States (see below).

In addition to shrinking the global burden of fissile material, a plutonium production pause would facilitate the negotiation of a "Fissile Material Cutoff Treaty" (FMCT)—a verifiable ban on enrichment and reprocessing outside international safeguards.

The pause would ease the establishment of the broader global norm against the domestic acquisition of fuel cycle facilities (see “The Fissile Material Cutoff Treaty and Nuclear Material Recommendations” below). Finally, a pause should be used by states, including the United States and key technical partners, to aggressively pursue technical development of more proliferation-resistant fuel cycles that eliminate the need for plutonium separation. As a further incentive, states that agreed to participate in the pause and other proposed new fuel cycle arrangements could be invited to participate in these research and development programs.

### **THE FISSILE MATERIAL CUTOFF TREATY AND NUCLEAR MATERIAL RECOMMENDATIONS**

Establishing a ban on the production of fissile materials outside safeguards has been a long-time international goal. The general outlines of such an agreement, as previously laid out by the Conference on Disarmament, would still allow the production and accumulation of HEU and the separation of plutonium, albeit under international inspections. The proposed treaty, therefore, would be more permissive than the recommendations contained in the present report. Internationally monitoring the production of weapon-usable materials may be preferable to unaccounted production, but does not reduce the direct risk of nuclear theft or weapons use as much as an HEU ban and plutonium moratorium.

The IAEA could verify such a plutonium production pause if given sufficient resources and access. National technical means of intelligence collection could also be used to build confidence that the pause was in effect. A plutonium production pause is clearly an ambitious goal, as evidenced by the difficulties in negotiating even a ban on non-safeguarded production in the UN-based Conference on Disarmament. The security gain, however, is so great that it justifies the political effort that will be required. It should be emphasized, however, that the goal can only be achieved through a heightened political commitment led by the United States that would make the pause a top security priority.

**Table 4.3. HEU and Plutonium Production Activities**

HEU AND PLUTONIUM ACTIVITY	PROPOSED STATUS
HEU and separated plutonium for nuclear weapons	Terminate in all states
HEU production for ship propulsion	End; convert to alternative LEU fuels
HEU and separated plutonium for reactor operation	End; convert to alternative LEU fuels
HEU production and use for research reactor fuel	End; convert to alternative LEU fuels
HEU production and use for isotope production	End; convert to alternative LEU fuels

Note: HEU, highly enriched uranium. LEU, low-enriched uranium.

Until an HEU ban and plutonium production pause are in effect, steps should be taken to erect high institutional barriers to the misuse of civilian facilities for nonpeaceful purposes. Any state seeking to use peaceful facilities for weapons purposes should be forced to violate numerous legal, political, and economic commitments, raising the costs of such actions. Multinational corporate ownership or various forms of multilateral control would be useful steps in this direction. All types of management would need to adopt stringent measures to control sensitive technologies and ensure the reliability of plant personnel.<sup>55</sup>

### **END THE USE OF FISSILE MATERIAL**

Civil use of HEU and plutonium drives the production and transport of these materials, increasing the risks of diversion by terrorists and giving cover for clandestine nuclear weapon programs by states. *These risks are unnecessary, since there is no inherent technical or economic need for the use of HEU or separated plutonium in any peaceful application.* The choice to use them is just that, a choice. The use of these materials is an exercise of national sovereignty, but one that directly affects the security of other states and should therefore increasingly come under international scrutiny.

The main nonweapon uses for HEU and separated plutonium are in research reactors, nuclear power reactors, and naval propulsion. Technology has progressed to a point where all of these uses are unnecessary.

### ***Plutonium Use in Power Reactors***

The debate over the use of plutonium-based fuels for energy production goes back decades. France, Japan, Russia, and India have made large investments in developing plutonium-based fuel

cycles (known as closed fuel cycles).<sup>56</sup> Other countries, including the United States, have pursued a once-through fuel cycle (known as an open fuel cycle) in which spent fuel is stored and ultimately disposed of rather than reprocessed, thereby avoiding the proliferation risks of separated plutonium.

It is not clear which system (closed vs. open) will prove superior over the very long term with respect to cost, waste management, and security. However, it is beyond question that for the foreseeable future the use and transport of separated plutonium for the civilian fuel cycle greatly increases the risk that terrorists or additional states will acquire the means to produce nuclear weapons.

States clearly have the right to oppose actions that threaten their security. If progress is not made on international fuel cycle management, the United States should consider adopting a simple policy statement to the effect that it opposes the separation of plutonium for civil purposes. The United States should abide by its present commitments to others to allow use of U.S.-origin nuclear material for plutonium-based activities, but should refuse any new commitments.

Comments received on the draft of the present report noted that past U.S. opposition to plutonium use had not produced a global consensus against reprocessing, and that renewed opposition would be unlikely to succeed. Those who made these comments therefore advocated that the United States should endorse and even engage in plutonium use so that it could shape improved international safeguards and security standards related to such use: an “if you can’t beat ’em, join ’em” strategy. These commentators suggested that the United States invest heavily in advanced nuclear reactor research to develop alternatives to the once-through use of nuclear fuel, including reactor concepts

that might involve plutonium separation, as well as research into non-nuclear energy applications. It is not clear, however, how endorsing or engaging in plutonium use could improve America's security. To the contrary, the limited U.S. decision to dispose of excess military plutonium by irradiating it in power reactors has already been used by other countries as justification for their much broader plutonium use. Further active support by the United States would only lead to more, not less, plutonium use, with commensurate risks of theft and diversion. Advanced reactor research would be beneficial if—but only if—it were directed to technologies that did not depend on plutonium separation.

### *Research Reactors*

For more than twenty-five years, the United States has sought to end the civilian use of HEU. Research reactors are the main civil users of this material. On February 11, 2004, President Bush stated that the United States “will help nations end the use of weapon-grade uranium in research reactors. I urge more nations to contribute to these efforts.” These efforts include accepting U.S.-origin research reactor fuel into the United States for disposal and helping Russia do the same with material it exported over the past several decades. The United States is also helping Russia develop low-enriched uranium (LEU) fuels to convert Soviet-era research reactors, just as it has successfully developed fuels to convert the majority of the world's HEU-fueled research reactors of U.S. origin and design.

These efforts, however, are moving much too slowly, and the United States has failed to use all of the tools and leverage at its disposal. Fifty of the 135 research reactors worldwide that continue to use HEU fuel either are in the United States, are of

U.S. origin, or use U.S.-supplied fuel. The United States should pursue a more aggressive and comprehensive policy to end the use of HEU in research reactors worldwide, including in the United States itself. Washington should increase the amount of money spent on developing and testing of new LEU fuels to enable the last few reactors that cannot now convert to do so, and provide technical assistance and financing for reactors that are being shut down or converted to LEU fuels.

The United States should also finance the validation of medical isotope production using LEU. Once this is complete, the U.S. Food and Drug Administration should ban the importation of such isotopes produced with HEU. More broadly, the United States should explicitly prohibit the use of U.S.-origin HEU in any reactor able to be converted to LEU fuel, and once all operating reactors can convert, require the repatriation of all U.S.-origin HEU for disposal. In the meantime, the U.S. Department of Energy should establish the legal authority to bring non-U.S. material to the United States if this is deemed essential for its protection. This can be a time consuming process and should be conducted in advance of any potential operation.

Finally, the United States—working with the G-8—should fund the large-scale return of HEU fuels of Russian or Soviet origin to Russia. This should also include financing of retraining and job creation for reactor operators displaced by reactor shutdowns.

### *Submarine and Ship Propulsion*

As with the other nonweapon uses, there is no technical need to use HEU on ships. The current generation of naval propulsion reactors could be modified to use specially developed high-

density LEU fuels. Some ships and submarines will be unable to convert at an acceptable cost, however. In those cases, safeguards on the HEU and a stringent accounting system could be applied. Multilateral ownership could apply to fuel management facilities as well. Finally, in the limited cases in which a country could not convert its naval reactors but was willing to close its enrichment plant, an internationally guaranteed fuel supply should be considered, in much the same way as it might be for power reactors.

### **ELIMINATE STOCKS**

Final disposal of weapon-usable materials is the only way to guarantee that they will never be used in a nuclear device. Most of the world's HEU and plutonium is in the United States and Russia, although much smaller but significant amounts of such material exist in a number of other countries as well (see tables 4.2 and 4.4). In the fifteen years since the end of the Cold War, some limited progress on disposal has been made, but the pace of efforts to eliminate weapon-usable uranium and especially plutonium has been unacceptably slow, and their scope unacceptably narrow.

Of the two types of materials—HEU and plutonium—weapon-usable uranium is by far the more solvable, and the more pressing challenge. HEU is easier to use in nuclear weapons than plutonium, although both present an attractive target for terrorists. The United States has agreed to purchase 500 metric tons of weapons-grade uranium from Russia and use the blended down LEU as fuel in power reactors. To date, some 200 metric tons—enough for 8,000 nuclear weapons—has been diluted in Russia and transferred to the United States. But some 300 metric tons of the original purchase target remain in weapon-usable form, to say nothing of the remaining Russian stockpile—which may

**Table 4.4. Stocks of Weapon-Usable Plutonium**  
(in Metric Tons)

STATE	SEPARATED CIVIL PLUTONIUM	MILITARY PLUTONIUM	WEAPON EQUIVALENTS <sup>a</sup>
Russia	38.2 <sup>+</sup>	95 <sup>*</sup>	16,650–33,300
United States	45.05 <sup>+</sup>	49.95 <sup>#</sup>	11,875–23,750
France	47.95 <sup>+</sup>	5 <sup>*</sup>	6,619–13,238
England	70.8 <sup>*</sup>	3.2 <sup>*</sup>	9,250–18,500
Germany	25.6 <sup>*</sup>	N/A	3,200–6,400
Japan	38.6 <sup>+</sup>	N/A	4,825–9,650
China	0 <sup>+</sup>	4.8 <sup>*</sup>	600–1,200
Belgium	1.8 <sup>*</sup>	N/A	225–450
India	1.0 <sup>*</sup>	.36 <sup>*</sup>	170–340
Israel	0	.56 <sup>*</sup>	70–140
Switzerland	2 <sup>*</sup>	N/A	250–500
North Korea	0	<.04	~5–10
Pakistan	0	.04 <sup>*</sup>	5–10

Sources: International Atomic Energy Agency, and Institute for Science and International Security, U.S. Department of Energy.

a These calculations are based on official estimates that it would require 8kg of plutonium to produce a nuclear weapon (IAEA), and a similar estimate from the U.S. Department of Energy that a nuclear weapon could be produced with only 4kg of plutonium.

+ International Atomic Energy Agency

\* Institute for Science and International Security

# U.S. Department of Energy

amount to an additional 500 metric tons under uncertain security. Downblending needs to be accelerated to ensure the fastest possible elimination of this material. Russia and the United States should agree to double the pace from 30 to 60 metric tons of HEU per year.

The plutonium question is much more complex. Unlike uranium, plutonium cannot be easily mixed or mechanically blended down to prevent its use in nuclear weapons. From the dozens of solutions evaluated by the United States and Russia over the past decade, two seemingly viable options emerged—irradiation and immobilization. In 2000, the two countries negotiated an agreement committing each to eliminate 34 metric tons of plutonium using one of the two methods. Russia has relied almost exclusively on irradiation, whereas the United States—until recently—pursued a mixed approach. Despite years of hard work and considerable investment, however, the results have been almost nil. Almost no weapon-origin plutonium has been eliminated in the ten years since the United States began a serious effort to do so. Indeed, the start of actual elimination in both Russia and the United States is still several years away. Moreover, the disposal of 68 metric tons of plutonium, while worthwhile, will only provide a significant security benefit if it marks the start of a much larger process that would include the bulk of weapon-origin plutonium in each country: about 100 metric tons in the United States and 150 in Russia.

It is past time to acknowledge the need to begin again. Fresh and energetic attention needs to be given to plutonium disposal if nuclear weapons are to be kept out of terrorist hands. The United States should reevaluate its entire plutonium disposal program, with a renewed emphasis on securing plutonium under

international monitoring as an intermediate step to elimination. The time line for disposing of the first 68 metric tons of excess plutonium, even under optimistic estimates, stretches out for decades. The intervening period is too long not to require the highest standards possible for interim secure storage.

In Russia, the United States has helped to construct a highly secure facility at Mayak originally intended for storing military-origin fissile material. Russia currently plans to store only 25 metric tons of surplus plutonium there. It should be urged to use the facility's full capacity by storing 200 metric tons of HEU at the facility, pending its downblending to LEU. Washington should drop its objections to storing nonmilitary plutonium, in recognition that disposal is going to take much longer than originally expected. The United States should also consider outright purchase of Russian excess plutonium for storage and elimination in the United States.

### **GLOBAL NUCLEAR ACCOUNTING**

No single international organization or government knows how much weapon-usable nuclear material exists in the world. Some countries do not even have an accurate inventory of their own material. Without an accurate accounting system for nuclear materials, there can be no effective prevention of nuclear terrorism or serious pursuit of nuclear disarmament.

The United States should work to develop a global nuclear accounting and transparency system. While the primary focus should be on weapon-usable material, all states possessing nuclear materials would eventually have to cooperate. The long-term goal would be for all states to maintain an accurate, validated accounting of all nuclear holdings, under international standards

for accounting and transparency. All states would be required to provide a declaration to a central organization or publicly state their holdings. The existing commitment by a handful of states (including the United States and several European states) to make annual declarations of plutonium holdings through the IAEA provides a model that could later be extended with other forms of transparency.

Such a registry would have to be carefully established so that sensitive information—such as the exact location of specific amounts of materials—could remain protected for security reasons, yet declared holdings could be verified. This would be no easy task, since even the amount of nuclear material within their borders is considered highly sensitive information by some countries. The United States has released a comprehensive plutonium inventory and has provided funding for Russia to develop its own accounting of civil plutonium production. However, neither country has declared its HEU holdings. Still, the benefits of establishing a global registry for nuclear materials should prevail over institutional preferences for keeping the numbers classified.

A number of states will need considerable training and assistance to ensure that their accounting practices are compatible with those of more advanced nuclear states. This assistance can easily be provided bilaterally or through the IAEA—if the agency is given the necessary resources.

## **SUMMARY OF POLICY RECOMMENDATIONS**

- ▶ Create a high-level “Contact Group to Prevent Nuclear Terrorism” to lead efforts to improve the security of all weapon-usable nuclear materials. (p. 87)

- ▶ Establish an effective global standard of protection for all weapon-usable fissile materials and create international obligations to protect these materials. (p. 88)
- ▶ Expand and enhance the G-8 Global Partnership program to improve nuclear security assessments, upgrades, and material relocation. (p. 89)
- ▶ Accelerate and increase funding for the Global Threat Reduction Initiative to secure and relocate vulnerable nuclear materials worldwide within four years. (p. 89)
- ▶ Seek an internationally endorsed ban on production of HEU and a decades-long moratorium on the separation of additional weapon-usable plutonium. Aggressively pursue proliferation-resistant fuel cycle concepts that avoid plutonium separation. (p. 91)
- ▶ Provide guaranteed, economically attractive fuel services to states that do not enrich uranium or reprocess plutonium, and consider ways to place existing facilities under new institutional controls. (p. 94)
- ▶ Reevaluate and re-prioritize the U.S.-Russian plutonium disposal program, with a renewed emphasis on securing plutonium under international monitoring. (p. 107)
- ▶ Develop a global nuclear accounting and transparency system. (p. 108)

## **Threat Reduction**

The Nunn-Lugar Cooperative Threat Reduction Program, to dismantle and secure nuclear, chemical, and biological weapons in Russia and the former Soviet Union, has been a remarkably cost-effective investment in U.S. security. Hundreds of ballistic missiles

have been dismantled, thousands of nuclear warheads have been retired, enough nuclear material for thousands of nuclear weapons has been eliminated, and enough for thousands more has been secured. In addition, thousands of nuclear, chemical, and biological weapons experts have received the means to begin transforming their careers from military to civilian work.<sup>57</sup>

Although the discussion here will focus on Russia, efforts are under way to expand the scope of this type of cooperation to proliferation problems in other regions. Three strategic issues confront the programs. First, how can progress be accelerated with Russia and the other former Soviet republics? Second, how can more partners, including Russia, be effectively engaged? Third, how can the experience that has already been gained be extended to other countries and regions where proliferation of nuclear and biological weapons is a concern?

These issues are intertwined, and they have major implications for U.S. policy. For example, accelerating progress with Russia requires engaging more international partners in the work. However, to this point the United States has been the top funder of the threat reduction programs, and therefore has not had to share management of the activities with other countries. Adding more countries, including Russia, to the decision-making mix might initially slow rather than accelerate progress.

Likewise, much work remains to be done in Russia, and extending such cooperation to other countries and regions threatens to drain resources away from this top priority. Therefore, although an urgent need for new threat reduction programs could emerge in countries such as Iran and North Korea, demands for new projects and funding in these countries must be carefully balanced with requirements of the continuing work in Russia.

A partial answer to these problems has been to establish an initiative within the G-8, the Global Partnership against the Spread of Weapons and Materials of Mass Destruction. The G-8 leaders launched this effort at Kananaskis, Canada, in June 2002, to cooperate on nonproliferation, disarmament, counterterrorism, and nuclear safety issues.<sup>58</sup> The United States pledged \$10 billion to the initiative over ten years, and the other G-8 partners pledged to match this amount.

Initially focused on Russia, the Global Partnership is considering expanding its work to new countries, including Ukraine, Uzbekistan, and Georgia. Additional partners such as Norway and Sweden have already joined and become actively involved in funding high-priority projects such as submarine dismantlement in Russia. More partners such as Finland, the Netherlands, Poland, Switzerland, Australia, Belgium, the Czech Republic, Denmark, Ireland, South Korea, and New Zealand joined in 2003 and 2004.<sup>59</sup> This process should continue to expand the number of countries open to threat reduction cooperation and the number of partners willing to contribute to this work.

The hardest challenge, of course, is to convince states that are “proliferation problems” to engage. Their leaders tend to believe that their nuclear programs are necessary to their national security, sometimes in a regional context, sometimes against a perceived adversary such as the United States, which possesses superior military forces. To succeed in this context, threat reduction cooperation must be part of an effort to draw the country out of its isolation and into the international system, thus changing its perception of its national interests and how best to preserve its national security.

To extend the reach of threat reduction initiatives, a new strategy will be needed. The experience gained in the former

Soviet Union should be used to tackle proliferation problems in new regions, but important differences must also be taken into account. Russia, for example, a nuclear weapon state under the Non-Proliferation Treaty, had a high degree of technical expertise that immediately enabled its scientists to engage on an equal footing with their U.S. counterparts. From the earliest days of threat reduction work, Russian experts contributed their knowledge as well as hardware they had created to implement projects in material protection, control and accounting, and other areas. A country such as Libya, by contrast, would find it more difficult to do so—thus creating, potentially, a more one-sided assistance relationship than that which developed with Russia.

Most important, to succeed in other settings, threat reduction will have to succeed in Russia. At the current pace, many of the stockpiles in Russia would remain insecure at the end of this decade, after almost twenty years of work.<sup>60</sup> Insecure stockpiles of nuclear weapons and related materials, technologies, and expertise in Russia pose urgent security risks, especially in a world in which al Qaeda maintains that acquiring such weapons is a “religious duty.” In March 2004, Director of Central Intelligence George Tenet told Congress again that “Russian WMD materials and technology remain vulnerable to theft or diversion.”<sup>61</sup>

Unfortunately, progress in joint U.S.-Russian threat reduction programs—led primarily by the U.S. Departments of Defense, Energy, and State—has been slow in recent years. Whether one judges by the percentage of Russian nuclear warheads and weapon-usable materials secured, the amount of fissile material destroyed, the number of facilities converted to commercial production, or the number of new permanent jobs created for weapon scientists, *it is evident that less than half of the overall threat reduction mission in Russia has been completed.*<sup>62</sup>

The biggest impediments to progress are political, not technical or financial. In fact, key programs for securing nuclear warheads and weapon-usable nuclear materials have accumulated hundreds of millions of dollars in unexpended balances. If, however, there were sufficient high-level U.S. and Russian commitments, including at the presidential level, to break through obstacles, then more money would be needed to implement an accelerated effort.

While approximately \$1 billion per year is being made available for Russia and former Soviet republic threat reduction programs, a number of lower-profile threat reduction efforts should be accelerated in the near term by making additional funding available. These include programs for redirecting weapons scientists, purchasing additional quantities of downblended Russian HEU, repatriating additional quantities of Soviet-origin HEU fuels to Russia for secure storage,<sup>63</sup> converting research reactors that use HEU, consolidating Russian nuclear material in fewer facilities, developing controls on exports, and investing in long-term sustainability strategies for security equipment that has already been installed.

Other high-priority proposals for improving the pace of U.S.-Russian cooperation include, first, establishing a senior coordinator, or focused coordination team, within the White House that has the mandate to oversee, prioritize, and expedite threat reduction programs. This person or group must be more powerful than the current interagency working groups and must have unfettered access to the president and his senior advisers.

The United States and Russia could also create a system of performance-focused meetings between high-level U.S. and Russian political officials to evaluate threat reduction progress, receive reports from program managers on advances and problems in each program, and negotiate solutions to such problems.

Moreover, both the Russian and American presidents should agree to (1) designate securing and eliminating nuclear, chemical, and biological weapon stockpiles as a top priority for both countries' national security and (2) set a target date of 2008 for completing comprehensive security upgrades of all nuclear weapons and weapon-usable material in Russia.<sup>64</sup> The two presidents would further agree to undertake specific measures to break through procedural logjams, and the Russian side would commit to maintaining security systems after U.S. assistance has been phased out.

The specific stumbling blocks that require presidential attention are disputes over U.S. access to sensitive Russian facilities, liability in nonproliferation agreements, and visa policies and procedures for Russian and U.S. threat reduction personnel.

The U.S. executive branch should also work with Congress to get permanent authority to waive the annual certifications required for cooperative threat reduction programs and the specific conditions on constructing a chemical weapons destruction plant in Russia.<sup>65</sup>

## **SUMMARY OF POLICY RECOMMENDATIONS**

- ▶ Develop a strategy to extend threat reduction cooperation to new countries and regions, building on experience in Russia and the former Soviet republics. (pp. 112–113)
- ▶ Expand the number of target countries and partners participating in the G-8 Global Partnership program. (p. 112)
- ▶ Engage President Bush and his Russian counterpart, Vladimir Putin, to establish cooperation as a top policy priority and resolve stumbling blocks to implementation. (p. 114)

- ▶ Launch a fast-paced initiative, in partnership with Russia, to fully protect Russian nuclear weapon–usable material by 2008. (p. 115)
- ▶ Establish a senior coordinator, or focused coordination team, within the White House with a mandate to oversee, prioritize, and expedite threat reduction programs. (p. 114)

## **Stopping Transfers: Export Controls and Interdiction**

Effectively controlling sensitive exports will continue to be a critical part of any successful nonproliferation regime. As international trade and technology expand, export controls on sensitive nuclear-related materials must be strengthened and fully implemented. The Bush administration has made international enforcement of export controls a high priority, and has identified several useful methods to encourage all states to tighten their national export control laws and policies.<sup>66</sup> These include a proposal to make the export of sensitive nuclear technology contingent on acceptance of the IAEA's Additional Protocol. In addition, the Bush administration led efforts that resulted in the adoption of Security Council Resolution 1540, which requires all states to enact laws to criminalize proliferation and to establish effective export controls.

Working to improve the effectiveness of existing export control systems, however, requires more than creating new obligations. Steps must be taken to improve the reach and effectiveness of the existing regime and to improve coordination among the various overlapping export control systems.

### **EXPAND THE SCOPE OF EXPORT CONTROL REGIMES**

The scope of the A. Q. Khan network demonstrates the need to draw new states into international efforts to control sensitive nuclear

technologies.<sup>67</sup> Many of the countries involved in providing or transshipping technology to Iran, Libya, and North Korea are not part of any of the existing export control arrangements. All states possessing nuclear-relevant technology should be brought under the umbrella of these regimes. States that can play even a small role in providing or transshipping key assets need to ensure they do not assist would-be nuclear proliferators. Several states with advanced nuclear capabilities, including Pakistan, India, North Korea, and Iran, are not members of the Nuclear Suppliers Group or the Zangger Committee;<sup>68</sup> nor are they all likely to be invited to join.<sup>69</sup> The traditional policy of export control regimes has been to regulate the transfer of technology to these states rather than seek to stem the export of technology from them. But states can be brought into compliance with these systems, even if they do not formally join.

Security Council Resolution 1540 on nonproliferation requires all states to “establish, develop, review and maintain appropriate effective national and trans-shipment controls” and “border controls” to prevent the proliferation of nuclear, chemical, and biological weapons and their means of delivery.<sup>70</sup> States must enact “appropriate laws and regulations to control export, transit, trans-shipment and re-export” of materials that would contribute to proliferation.<sup>71</sup> This resolution not only encompasses states with nuclear technology, it also places the burden of export control on non-nuclear states such as Dubai and Malaysia that may serve as shipping ports and manufacturing sites for proliferation-related activities.

How will this new export control requirement be implemented? One approach would be to promote a model law on export controls that would aid states in adopting the export systems

required by the Security Council. The United States and Europe have pursued such an approach with varying success in the states of the former Soviet Union. Similarly, the IAEA provides such models for nations implementing nuclear safeguard agreements. A model law could be drafted to strengthen reporting requirements under existing export control regimes such as the Nuclear Suppliers Group that could be adopted even by nonmembers. To increase the chances of its universal adoption, the law could also be attached on a national basis to existing customs law and policy, under the guidance, for example, of the Unified Tariff Code of the World Customs Organization.

Yet adopting laws is not the same as effectively controlling exports. Pakistan was unable or unwilling to enforce its nuclear security laws against A. Q. Khan and his associates.<sup>72</sup> And even if this one network is disbanded, sustained international cooperation and observation, including the sharing of information on suspected violations, will be required if the full potential of Resolution 1540 is to be reached. Regular reviews of implementation of the resolution will be required.

### **IMPROVE EXISTING REGIMES AND MEMBER PERFORMANCE**

Proliferation-related export controls are currently governed by four different arrangements: the Nuclear Suppliers Group, the Missile Technology Control Regime, the Australia Group, and the Wassenaar Arrangement. Of these, the Nuclear Suppliers Group and the Wassenaar Arrangement have the most application to nuclear and dual-use issues. While all of these regimes have been useful in regulating trade in sensitive technologies, they have several shortcomings.

First, these groups operate by consensus, which impedes the adoption of new measures and biases the groups toward the lowest common denominator. Expanded membership, including nonsuppliers or members with divergent security interests, exacerbates this problem. Also, member states lack transparency in their export control systems and decision making and are inefficient at information sharing. This problem is compounded by the fact that member states have not harmonized their individual policy responses to proliferation threats and are not keeping pace with growing proliferation problems. Members are failing to deal effectively with increased dual-use trade and technology transfers. Finally, the systems are hampered by their voluntary nature and lack of enforcement and penalization measures. If export control systems are to be effectively implemented in an expanded threat environment, states need to be open and to be held accountable for their export decisions. Moreover, the actions of a few resistant states should no longer be allowed to impede the capabilities of the entire system.

Several options exist for dealing with these challenges, including moving the export control systems to a majority or weighted voting system to replace consensus rule. There is likely to be considerable internal resistance within these voluntary systems, which needs to be recognized and overcome.<sup>73</sup> This is clearly a case in which high-level leadership will be required to achieve results.

In addition, the regimes need to improve membership criteria and make commitments more binding, with an emphasis on timely compliance.<sup>74</sup> The introduction of penalties and incentives for adoption and maintenance of high standards should be considered, but cooperative measures such as assistance and collaboration should be emphasized to maximize cooperation.<sup>75</sup>

Also, current practice only calls for states to share decisions to deny requests for exports between member states. Sharing information on export approvals would help states track what others are buying and might help identify strategic but dispersed purchases by suspect firms and states. To this end, a centralized database for information sharing should be established among participant states.<sup>76</sup>

To improve the conduct of expanded export controls, many participating states may need assistance and advice. Leading states, including the United States, should head periodic reviews of export controls in other countries. Such reviews should be pursued cooperatively, and the G-8 or individual countries should provide assistance as needed after reviews are completed.<sup>77</sup> (See “Strengthening International Law” in chapter 3.)

In addition, the Nuclear Suppliers Group should adopt two policy changes its members are currently considering: making the IAEA Additional Protocol a condition of supply for nuclear exports and adding “catch-all” provisions to the Nuclear Suppliers Group dual-use guidelines. Under this latter condition, members would have to control the export of any item, regardless of whether it appeared on the control lists, if there were a risk that the export could contribute to proliferation. This would eliminate the need to maintain an exhaustive list of controlled items.<sup>78</sup>

The forum for reviewing these ideas needs to be at a sufficiently high level to enable action, but expert enough to effectively evaluate proposed measures. One option is to ensure that the implementation of Resolution 1540 includes follow-up reporting on the requirements for export controls. A strengthened Security Council monitoring committee for Resolution 1540 might be useful in this role.

This report has also been greatly influenced with regard to export control reforms by the work done by experts at the University of Georgia Center for International Trade and Security. They have developed a set of recommendations to reform and improve current technology controls.

The University of Georgia experts recommend adopting a new and strengthened Export Administration Act (EAA). The EAA expired years ago, and Congress has failed to renew it because of concerns over how to balance the interests of industry with national security imperatives. The lack of an export control law limits the ability to penalize companies that violate U.S. export controls. In addition, University of Georgia experts call for the expansion of export control assistance to emerging supplier states and key transit states. This should be done in conjunction with broader assistance to states in meeting obligations of Security Council Resolution 1540 by establishing minimum international export control standards.

Furthermore, negotiations are needed among member countries to establish a unified and strengthened nuclear, chemical, and biological weapons and ballistic missile export control regime with more binding and precise commitments, including enhanced information sharing, and more robust export enforcement authorities. The current multilateral control regimes are ill equipped to deal with growing global trade in dangerous technologies and to respond to proliferators that are becoming more sophisticated in their acquisition patterns.

The experts at the University of Georgia also note the need to promote greater corporate compliance with nonproliferation norms and export controls by establishing an international code of compliance for exporters of sensitive materials and technologies.

Companies that trade nuclear and dual-use technologies represent the first line of defense in efforts to stem proliferation. Responsible companies have internal compliance programs to ensure that they are screening end users and observing export control regulations. But because many firms remain ignorant of national export control requirements, violations and transfers result that raise proliferation concerns.

Finally, the need to assist the IAEA in implementing the export and import reporting requirements of the Additional Protocol is also noted by the experts at the University of Georgia as an important step in improving export control implementation.

### **ENHANCE INTERNATIONAL INTERDICTION EFFORTS**

Efforts to block the transfer of weapons and technology have recently been enhanced through the creation of a broader forum for information sharing and interdiction under the U.S.-led PSI (see “Proliferation Security Initiative,” page 123 for more detail). The PSI has resulted in significant progress in a brief period of time, with member states recently seizing valuable shipments of weapons equipment to several countries. However, it has significant limits. While the initiative is a valuable extension of export control implementation, it is not and cannot be a silver bullet to prevent proliferation to terrorists or states.

The PSI regime is voluntary. It encompasses only states that choose to abide by its provisions, meaning that states seeking banned equipment can circumvent restrictions by avoiding shipments from or through the territory of participating states. Moreover, the regime is limited only to the national territory, airspace, and territorial waters of participants. It does not apply directly to international waters. Countries under whose flag a ship is traveling

## PROLIFERATION SECURITY INITIATIVE

Based on the informal and voluntary cooperation of more than a dozen countries, the Proliferation Security Initiative seeks to enhance the ability of national governments to prevent the transfer or transit of weapons-related materials and equipment through their national territories, territorial waters, and airspace, and to cooperate with other states in doing the same.

Initiative-related activities fall into three main areas:

- (1) enhancement of national legislation in participating states to ensure that shipments of controlled items can be searched or seized (or both) under national authority
- (2) intelligence sharing and law enforcement cooperation to identify illicit transfers
- (3) interdiction training, exercises, and actual intercepts in nationally controlled areas (land, sea, and air)

Members include United Kingdom, France, Germany, Italy, Spain, the Netherlands, Poland, Portugal, Australia, Japan, the United States, Canada, Norway, and Singapore. More than sixty states have pledged their support for the Proliferation Security Initiative.

can give permission for that ship to be stopped and searched, and the United States has worked out prior consent arrangements with the two countries most popular with shippers seeking flags of convenience, Liberia and Panama. Still missing, however, is a system that can deal with a legally flagged vessel or aircraft carrying weapons-related material or technology through international territory from nonparticipating countries.

The question of extending PSI activities to suspect shipments in international waters or airspace raises complicated legal issues. The Law of the Sea Treaty (to which the United States is not a full party) permits what is known as innocent passage for ships through national waterways, a provision that would appear to apply to such commerce. This gap in the PSI is a glaring potential problem that apparently can only be remedied through an expansion of international law, by means of either a convention or a Security Council mandate. The international community, however, can be empowered to interdict certain types of shipments in international territory when specific activities—such as slavery—are deemed unacceptable.

How can the international community define what is and is not acceptable, with respect to technology or even weaponry? How can the international community differentiate between banned and permitted transfers? The most direct route would be for the PSI to build out from its current membership through the negotiation of a legal convention. The goal of building an international norm banning clandestine transfers of materials relevant to nuclear proliferation is worth the investment in time and political capital that would be needed.

### **SUMMARY OF POLICY RECOMMENDATIONS**

- ▶ Expand membership in and compliance with export control regimes to all states with relevant capabilities. (p. 117)
- ▶ Expand export control assistance to emerging supplier states and key transit states. (p. 121)

- ▶ Reform existing export control regime operations by requiring notices of all sensitive exports, moving away from consensus rule making, establishing cooperative reviews of export control implementation, and considering penalties within export control systems for noncompliance. (pp. 119–120)
- ▶ Make the IAEA Additional Protocol a condition of supply for all Nuclear Suppliers Group transfers. (p. 120)
- ▶ Pass a new and strengthened U.S. Export Administration Act. (p. 121)
- ▶ Establish an international code of compliance for exporters of sensitive materials and technologies. (p. 121)
- ▶ Expand the scope of the PSI to cover shipments through international waters and airspace. (p. 124)
- ▶ Ground the PSI in international law by means of a UN Security Council Resolution. (p. 124)





## CHAPTER FIVE: ABATING DEMAND

As Libya and approximately 180 other countries demonstrate, the key to nuclear nonproliferation is for states to conclude that they are better off without nuclear weapons. The most effective way to stem demand for such weapons is to ensure that states do not face threats that they feel require nuclear weapons to deter or defeat, to reduce the political attractiveness of nuclear weapons, and to increase the costs and dangers associated with seeking these weapons.

It is more difficult to create these demand-abating conditions in states that already have started nuclear weapon programs. In these cases, it is not enough simply to reverse the original causes of nuclear ambition. The effort to acquire nuclear weapon capability changes the bureaucratic and political conditions within states so that reversing nuclear programs is more complicated than simply rewinding the causal chain that got them started in the first place. Nazi Germany stimulated U.S. development of nuclear weapons in 1942, but the United States did not give up its nuclear weapon program once Germany was defeated. Whatever Iran's motivations were for starting to acquire nuclear capability, the factors that must be addressed today to persuade Iranian leaders to abandon uranium enrichment and plutonium separation are more numerous and complicated because the issue has become highly politicized.

## Lock in Successes

A significant number of countries have eschewed or abandoned nuclear weapon programs, including Argentina, Australia, Brazil, Egypt, Germany, Japan, Kazakhstan, South Africa, South Korea, Sweden, Taiwan, Turkey, and Ukraine. These states have the financial and technical wherewithal to produce nuclear weapons and could construct rationales for doing so. Preventing these states from undertaking nuclear programs is pivotal to the success of nonproliferation. If they chose not to comply fully with nonproliferation norms and rules, and not to cooperate in strengthening enforcement of these rules in tough cases, these states could create a global security crisis. More pertinently, these states must advocate, or at least not resist, new rules to stop the spread of nuclear weapon production capabilities and strengthen the nuclear safeguards and inspections mandate of the IAEA. Their support is needed to give the UN Security Council greater resolve to prevent or reverse proliferation challenges. The states that could have been possessors of nuclear weapons bring special credibility to the political process of strengthening the global nonproliferation regime.

The United States and other nuclear weapon states must do more to earn the ongoing support of a strong nonproliferation system among the most technically capable states that have abjured the possession or pursuit of nuclear arms.

Washington's first maxim should be Hippocratic: "Do no harm" to states that could readily produce nuclear weapons but have chosen not to. U.S. policy and rhetoric should never be dictatorial or arrogant in ways that would make officials in countries such as Japan, South Korea, or Turkey—to pick random examples—conclude that Washington would be more respectful of their interests if they had their own nuclear weapons. On the

contrary, the United States should reassure these countries and others, such as Argentina, Brazil, and South Africa, that do not have alliance security guarantees, that the United States recognizes a special duty to prevent threats that could make them reasonably feel the need for nuclear weapons. In Southwest and Northeast Asia, where Iranian and North Korean proliferation could tempt Egypt, Saudi Arabia, Turkey, Japan, and South Korea to reconsider their nuclear status, the United States should engage in preventive high-level diplomacy and defense cooperation to reassure these states that their strategic interests can be met without nuclear weapons.

The United States (and other nuclear weapon states) should focus more on rewarding states that actively strengthen the nonproliferation regime. Decisions on how to expand the permanent membership of the UN Security Council should take into special consideration candidates' contributions to nonproliferation. Decisions on where to conduct state visits and which countries should host major international conclaves should reward states that contribute heavily to the global security imperative of stopping nuclear proliferation.

It is also important to deglamorize nuclear technology as a symbol of modernity, even while encouraging the design of new generations of safer, proliferation-resistant nuclear reactors. For the latter purpose, international nuclear research and development projects should be made available only to states whose nuclear establishments demonstrate an unwavering commitment to nonproliferation. More broadly, international programs to develop cutting-edge, environmentally friendly energy technologies such as hydrogen fuel cells should be expanded. This promotion of non-nuclear energy sources does not reflect judgment on

the benefits and costs of nuclear power, economic or otherwise, but rather the political reality that nuclear establishments become mythologized in many societies to the point that curtailing any of their activities becomes seen as a rejection of modernity and progress, regardless of the economic, technical, or security merits of the activity being curtailed.

Finally, the United States and other nuclear weapon states must devalue the security and political status associated with nuclear weapons so that political actors in other highly capable societies do not conclude that they will gain international leverage or status by seeking these weapons. The role of nuclear weapons in national security doctrine should be clearly reduced, not increased. Development of new nuclear weapons should be rejected, not embraced. The correlation between nuclear weapon possession and veto power in the UN Security Council should be broken. Sales of new nuclear reactors should not be extended to states that do not live up to the same nonproliferation standards as the non-nuclear weapons states.

As former U.S. State Department official Robert Einhorn and former Defense Department official Kurt Campbell have observed, the wisdom of societies and states that have gone without nuclear weapons is reinforced by “a world in which the goals of the NPT are being fulfilled—where existing nuclear arsenals are being reduced, parties are not pursuing clandestine nuclear programs, nuclear testing has been stopped, the taboo against the use of nuclear weapons is being strengthened, and in general, the salience of nuclear weapons in international affairs is diminishing.”<sup>79</sup>

## SUMMARY OF POLICY RECOMMENDATIONS

- ▶ Reward states that contribute to nonproliferation with economic, political, and other inducements. (p. 129)
- ▶ Facilitate development and funding of substitute energy technologies and proliferation-resistant nuclear reactors. (p. 129)
- ▶ Devalue the security and political status associated with nuclear weapons by, among other things, breaking the correlation between nuclear weapon possession and veto power in the UN Security Council. (p. 130)

## Conflict Resolution

Current acute proliferation threats in regions plagued with trouble—particularly the Middle East, South Asia, and Northeast Asia—will not be fundamentally redressed without progress in resolving underlying conflicts, which may in turn require internal political changes. To the extent that international leadership can promote necessary changes, the effort must come from the highest level as a priority of overall foreign policy. Nonproliferation policy makers, technical experts, or specialized institutions such as the IAEA should not be expected to lead such high-level exertions, though they can help.

Thus, the acquisition of nuclear weapons by India and Pakistan should not be seen as a failure of an autonomous nonproliferation regime. It was a result of high-level state decision making in these countries, and equally high-level decisions by the United States, China, and other international actors not to alter the incentives that were considered by Indian and Pakistani leaders. Similarly,

proliferation pressures in the Middle East will not be removed by diplomats at the NPT Review Conference; they will be removed when regional and global leaders at the highest level apply themselves to specifying and creating the conditions necessary for a zone free of nuclear, biological, and chemical weapons.

Regional conflict resolution presumably also will contribute to a reduction in possible terrorist demands for nuclear weapons, insofar as such interest can be redressed by any appeal to reason. The Israeli-Palestinian conflict is a case in point.

This analysis is obvious enough, yet officials in some states, including the United States, often speak and act as if countries such as Iran and North Korea will abandon efforts to acquire nuclear weapon capabilities without improvements in their broader security relationships. Similarly, officials in some non-nuclear weapon states demand that states permitted to possess nuclear weapons disarm, without recognizing the valid political and security problems that must be resolved in order to make disarmament augment global security.

## **SUMMARY OF POLICY RECOMMENDATIONS**

- ▶ Raise global political demands that states that possess nuclear weapons must exert greater leadership to moderate and resolve regional conflicts that drive proliferation and possible use of nuclear weapons. (Specific obligations of the United States, Israel, India, Pakistan, and other states with nuclear weapons are discussed throughout this report, particularly in chapter 2, under obligation 6, and in chapter 6.) (p. 132)

## U.S. Nuclear Policy and Arms Reduction

The twin goals of U.S. nuclear policy should be to prevent new actors from acquiring nuclear weapons and to reduce toward zero the risk that those who have these weapons will use them. This nonproliferation imperative reflects a major change from the Cold War.

During the Cold War, the most serious threat to the United States was a large-scale conflict with the Soviet Union that would trigger escalation to massive exchanges of nuclear weapons. Today, proliferation and asymmetric warfare threaten U.S. security more than the prospect of nuclear force exchanges. In these circumstances, the United States has a great incentive to ensure that all future conflicts and adversaries remain non-nuclear. Thus, nonproliferation objectives should henceforth drive nuclear policy.

This imperative does not remove other nuclear requirements, however. The U.S. nuclear deterrent backs up U.S. security guarantees to protect important allies such as Japan, South Korea, and Germany. Relying on U.S. security guarantees lessens these countries' interest in acquiring nuclear weapons themselves. The threat of U.S. nuclear retaliation also helps deter adversaries from challenging U.S. interests.

Thus, the United States must maintain an effective, reliable nuclear deterrent for as long as nuclear threats remain in the world, even as it pursues a vigorous nonproliferation strategy.<sup>80</sup> The question for U.S. policy makers is how best to pursue these two critical goals that are in some eyes in tension. Two radically different approaches have been advanced: to acquire new nuclear weapons with more usable characteristics, thus to dissuade proliferators; and to de-emphasize and devalue nuclear weapons, thus to strengthen the norm against their acquisition and use.

## **NUCLEAR WEAPONS SERVING NONPROLIFERATION**

Today, elements within the U.S. policy-making and defense science establishments urge development of new types of nuclear weapons *in the service of nonproliferation*. In March 2004, the Departments of State, Defense, and Energy urged Congress to fund research and development of a new “low-yield” nuclear weapon. A Defense Science Board report, also of March 2004, argued that if the United States builds and deploys such weapons, states and terror groups would be dissuaded from seeking and using nuclear, biological, or chemical weapons to challenge the United States.<sup>81</sup> They would calculate that if they did so, the United States would have an increased ability to respond with nuclear weapons because low-yield nuclear weapons would reduce the likely damage to civilian populations, thereby reducing inhibitions on using nuclear weapons. By appearing more usable, new nuclear weapons would enhance deterrence and thereby advance nonproliferation goals.

Those arguing this case have emphasized that the new nuclear weapons would only be used in extremis, and would not be made a major element of U.S. military doctrine or force posture. Quite the contrary—they have argued that U.S. conventional capabilities would continue to be strengthened. They have stressed that the U.S. Strategic Command has been converting its weapon systems for new long-range conventional missions, or non-nuclear strike missions.

Proponents have also asserted that the new nuclear weapons would be so uniquely dedicated to their missions—for example, to targeting deeply buried bunkers that might hold chemical or biological weapons—that other countries would recognize and accept this fact. Other countries would not conclude that

the United States was placing new value on nuclear weapons to enhance its capacity to project force around the world. So, proponents conclude, U.S. nonproliferation leadership would not be compromised, and others would continue to follow the United States in pursuing nonproliferation goals.

All these arguments are questionable, particularly whether it is true that U.S. nuclear weapons policy has little effect on other countries. Unavoidably, U.S. actions do influence others' choices about whether to seek nuclear weapons, strengthen existing arsenals, or support nonproliferation.

Those who argue that modernization of U.S. nuclear forces does not affect other countries are ignoring the core of deterrence: For a nuclear deterrent to be effective, other countries must see and understand its effectiveness. One cannot, however, have it both ways: arguing for the necessity of a strong nuclear deterrent, and at the same time denying the impact that U.S. nuclear choices have on the security decisions of other countries. If the United States places more reliance on its nuclear deterrent, other countries will notice. If they did not, there would be no such thing as deterrence.

Other states may react by acceding to U.S. power, or they may choose asymmetrical means to deter the United States. These decisions will not be driven entirely by U.S. actions; regional dynamics and threats also have an effect. But the United States cannot pretend that other countries will interpret its actions in the same benign light in which it perceives them.<sup>82</sup>

Of course, in some circumstances, U.S. *conventional* power serves as the primary impetus to nuclear policy in other countries. Russia, for example, has claimed in recent years that U.S. conventional superiority creates a threat to its weakened military capacity—a threat that can only be overcome through

continued dependence on nuclear weapons. Russian strategists place emphasis on the notion that Russia's nuclear weapons undermine U.S. conventional superiority in potential theaters of war surrounding the Russian Federation.<sup>83</sup> General K. Sundarji, former Indian Army chief of staff, commented in a similar vein when he stated the lesson he had learned from the 1991 Gulf War: "Make sure you have your own atomic bomb—before you challenge the United States."<sup>84</sup>

Moreover, if the United States pursues new types of nuclear weapons, then others—Russia, China, India, and Pakistan, for example—are likely to do the same, to the extent they can. At the very least, they will be less supportive of nonproliferation and more resistant to U.S. calls for them to forgo building up their own nuclear forces. Non-nuclear weapon states will conclude that the nuclear weapon states are breaking their commitment, under Article VI of the NPT, to pursue the total elimination of nuclear arsenals.

Both the Nuclear Posture Review and the National Security Strategy imply that a U.S. president should be less constrained by the taboo on using nuclear weapons for tactical missions.<sup>85</sup> These policy documents suggest that nuclear weapons might be used preemptively to attack possible chemical and biological weapons facilities or other high-value targets. However, recent experience demonstrates that the United States generally lacks sufficiently precise intelligence to make tactical use of nuclear weapons either a wise or likely option.<sup>86</sup> Examples include faulty intelligence in both Iraq wars and the mistaken bombings of the Chinese embassy in Belgrade and the misidentified "chemical weapons" plant in Sudan.

Essentially, if enough intelligence is available to reliably locate chemical or biological weapons bunkers, then other means, such as conventional weapons or special forces, can be used to attack them. If accurate intelligence is not available, then a nuclear attack would risk creating damage and loss of life highly disproportionate to the actual threat. No president is likely to do this. The United States would face immense international consequences if it used nuclear weapons other than in response to a nuclear attack on the United States or its forces or allies.<sup>87</sup>

Several teams of independent physicists and former leading nuclear weapon designers have also demonstrated that the laws of physics make it impossible for *small* (low-yield) nuclear weapons to destroy chemical or biological weapons deep underground.<sup>88</sup> To destroy such targets, the weapons would have to be as big as some of the weapons in the current arsenal and would produce much more radioactive fallout than proponents claim. In other words, if nuclear weapons are the only way to get at these targets, then the United States already has the weapons that would be necessary. It is a dangerous illusion to believe that there is a clean and tidy nuclear way to accomplish this mission.

## NONUSE AND NONPROLIFERATION

The second approach being advanced to achieve nonproliferation goals is to strengthen *the norm against the use* of nuclear weapons. Secretary of Defense Donald Rumsfeld described the issue well in the run-up to the war in Iraq:

Do we—does the department—have an obligation and have they in successive administrations of both political parties had procedures whereby we would conceivably use nuclear weapons? Yes...[But]

it seems to me that if one looks at our record, we went through the Korean War, we went through the Vietnam War, we've gone through the war on terror and we've not used nuclear weapons. That ought to say something about the threshold with respect to nuclear weapons.<sup>89</sup>

To advance the norm against use, U.S. nuclear weapons policy has begun to move away from the Single Integrated Operational Plan, or SIOP, which was designed primarily for large-scale retaliatory attacks against Russian targets. Under the current Nuclear Posture Review, although Russia deploys more than 5,000 strategic nuclear weapons against the United States, Russia is not understood to be an “immediate contingency” against which nuclear forces are deployed. Although targeting will have to continue to take into account the need to respond in the unlikely case of a Russian attack, this is a major change from the Cold War years.

Likewise, as already noted in the present chapter under “Nuclear Weapons Serving Nonproliferation,” the U.S. Strategic Command has been tasked to develop more non-nuclear strike missions. U.S. long-range bombers are being equipped and trained for such missions, and four Trident submarines are being converted to carry non-nuclear cruise missiles. These steps are being undertaken to create a “new triad,” one devoted not wholly—as in the past—to nuclear weapons, but instead emphasizing equally non-nuclear missions and highly capable command and control.<sup>90</sup>

U.S. policy makers thus have been taking steps to prevent the future use of nuclear weapons. This trend could be strengthened with new attention to several long-standing issues in nuclear policy. For example, U.S. and Russian strategic nuclear arsenals

are still configured on hair-trigger alert, to be launched within minutes of warning of an attack. This is unnecessarily risky when the accidental or unauthorized launch of nuclear weapons is more likely than a massed nuclear attack between the two nuclear powers. As former U.S. senator Sam Nunn has said, “Incredibly, eleven years after the so-called end of the Cold War, the decision time of our leaders has not changed appreciably from what it was during the peak of the tensions.”<sup>91</sup>

The United States should work with Russia to *lengthen the fuse on both countries’ nuclear weapons*. U.S. and Russian diplomats and military experts should more energetically implement focused and transparent measures to pull the two countries back from their Cold War hair-trigger deployments. Detailed proposals have been advanced in several forums, including studies by the RAND Corporation and the Institute of the USA and Canada in Moscow, both of which have made practical recommendations on how to achieve this important goal.<sup>92</sup>

*Forward deployment of nuclear weapons* is a policy that should also be reformed. U.S. nuclear weapons already have been withdrawn from South Korea, and a few hundred remain in NATO Europe. They are little regarded in NATO planning, and seem largely a vestigial capability, given that NATO has extended to Russia’s borders. Although the relationship with Moscow has not been easy, Russia is emerging in fits and starts into the role of a NATO partner. In this context, U.S. nuclear weapons in Europe pose a greater risk of terrorist theft or diversion than any support they provide to NATO’s security.

The United States is largely restructuring its presence in NATO Europe, shifting forces from large fixed bases and into a new system of so-called lily pad basing. However, many of the

new, smaller bases will not be well structured for storage and maintenance of nuclear weapons. Currently deployed weapons could be moved back to the United States, with the proviso that should they ever be needed for a NATO operation, they could be returned promptly to Europe. To keep this option viable, some nuclear weapon training and basing infrastructure would have to remain in current NATO Europe facilities.

NATO's new members, many of whom are concerned about Russian nuclear weapons, will want NATO to remain committed to a nuclear option. For that reason, the United States should pursue reciprocal constraints on Russian nonstrategic nuclear weapons (see discussion below). Even original NATO members such as France and the United Kingdom, which are nuclear weapon states themselves, and Germany, which is not, would find reassurance in such constraints, as well as in maintaining nuclear training and infrastructure.

While the United States continues to de-emphasize forward deployment of nuclear weapons, it should also restore the consistency of its security guarantees and assurances. Historically, the United States' willingness to put its own security on the line in defense of its NATO and Asian allies in the face of a nuclear threat has been key to preventing allied countries in these regions from developing their own nuclear weapons. As the United States withdraws nuclear weapons from forward deployment, it will have to state a clear and solid commitment to continued defense of its allies. The United States should emphasize that the credibility of its defense commitments is greater than ever thanks to the potency of U.S. conventional weapons.

Of course, there is a certain tension between the notion that the United States is willing to defend its allies with nuclear weapons

and its emphasis on stopping other countries from acquiring nuclear weapons. This tension ultimately would be resolved by the total elimination of nuclear weapons, as agreed in the NPT. But as long as conditions are not ripe for total elimination, nonproliferation objectives are served by a U.S. nuclear umbrella over America's allies.

The United States also will have to maintain a serious and consistent attitude toward the positive and negative security assurances that it has offered in conjunction with its NPT commitments. In essence, these assurances have conveyed that the United States will not attack with nuclear weapons a non-nuclear country, unless that country is allied with a nuclear country and engaged in warfare against the United States. Although such assurances do not imply collective defense arrangements such as those guaranteed under the NATO Treaty, they have nevertheless helped persuade countries to agree to establish nuclear weapon-free zones in several key regions, including Latin America, Africa, and Central Asia.

Statements by U.S. officials in recent years implying that these assurances are little more than pieces of paper have raised widespread doubts about their value. In order to counteract this effect, the United States should consider restating the positive and negative security assurances first officially extended by Secretary of State Cyrus Vance in 1978. Secretary Vance stated that the United States would

not use nuclear weapons against any non-nuclear weapon 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 any state allied to a nuclear weapon

state or associated with a nuclear weapon state in carrying out or sustaining the attack.<sup>93</sup>

Restoring confidence in the U.S. commitment to such assurances will be vital to enabling the denuclearization of NATO Europe. It would also be a key to negotiating other nuclear weapon-free zones. For example, it would be a basic condition for such a zone in the Middle East.

In regard to chemical and biological weapons contingencies, U.S. nuclear weapons policy has long been ambiguous: If chemical or biological weapons are used against the United States or U.S. targets overseas, then the adversaries launching the attack should expect a proportionate response. They will have to assume that it could be nuclear. U.S. declaratory doctrine need not advertise this hard reality, but it should continue to emphasize that U.S. nuclear weapons are available to retaliate for the use of nuclear weapons against the United States, its armed forces, or its allies.

Current U.S. policy trends, however, have left the impression that the United States would be willing to use nuclear weapons preemptively, to destroy chemical or biological weapon stockpiles, whether or not the adversary possessed nuclear weapons. This suggestion emanates in part from the recent proposals to develop new nuclear weapons to strike deeply buried chemical and biological facilities.

Explicitly extending the role of nuclear weapons in this way is counterproductive and unnecessary. It could raise significantly the frequency and salience of nuclear weapon threats in ways that could undermine U.S. interests. Chemical and biological weapons, after all, are often considered to be the “poor man’s nuclear bomb.” If these weapons become increasingly available,

the United States could find itself confronted with an increasing need to resort to nuclear threat.

However, frequent threats create a commitment trap:<sup>94</sup> If you don't back them up, people will no longer take you seriously. Given the gravity of breaking the nuclear taboo, the United States should not put itself in a position where it would feel an increasing need to take nuclear action.

Of course, the United States must not allow adversaries to deter it from taking action when real chemical or biological weapon threats are present. Defense Department counterproliferation programs help prevent this from happening by preparing U.S. forces with vaccinations, equipment, and tactics that will enable them to fight and prevail in environments where chemical and biological weapons may be unleashed. Conventional weapons are also being improved to destroy chemical and biological storage facilities, and U.S. forces are being trained to use these weapons to take and hold such sites.

Certain elements of U.S. policy have already strengthened the norm against nuclear use. The recent move to adjust targeting away from Russia is one example; another is the new emphasis on conventional missions for the Strategic Command. Further progress in relaxing the hair-trigger alert posture and ending the forward basing of nuclear weapons would augment the devaluation of nuclear weapons worldwide. Finally, although some ambiguity will remain with regard to the nuclear response against chemical and biological attacks, U.S. policy should emphasize Secretary Rumsfeld's message that the nuclear threshold is high and likely to remain so.

U.S. nuclear weapon policy should continue to focus on strengthening the norm against nuclear use, de-emphasizing

nuclear weapons and building up conventional capabilities. If the United States develops new nuclear weapons, it cannot avoid investing all nuclear weapons with added value in the eyes both of states that have wanted to acquire them and of those that have wanted to remain non-nuclear. On balance, the policy and technical problems associated with new nuclear weapons immensely outweigh any benefit to the United States.

### **THE ROLE OF NUCLEAR REDUCTION AGREEMENTS**

The United States should also continue to reduce the number of its nuclear weapons while it maintains an effective, reliable nuclear deterrent. Through negotiated agreements, the United States and the Soviet Union have dramatically reduced their stockpiles of strategic nuclear weapons from the mountainous highs of the 1980s.

In 1984, before the START I negotiations began, each deployed more than 10,000 strategic nuclear weapons (see table 5.1). Then unfolded a process of legally bound nuclear arms reductions. If the 2002 Treaty of Moscow is fully implemented, then the United States and Russia will each limit strategic nuclear weapons in operational deployment to between 1,700 and 2,200.

This process of nuclear reductions has been important and demanding. However, it has focused on eliminating missiles and bombers—delivery systems—rather than warheads and the nuclear materials that go into them. START I did not address what to do with the warheads after they left deployment. Russia and the United States have each made unilateral commitments to eliminate warheads, but because of the sensitive nature of warhead design, cooperative monitoring of storage or elimination of warheads has been hampered. The lack of attention to warheads in the bilateral

**Table 5.1. Strategic Nuclear Warheads:  
United States, Russian Federation/Former Soviet Union**

YEAR	RUSSIAN FEDERATION/ FORMER SOVIET UNION				UNITED STATES			
	ICBM	SLBM	BOMBERS	TOTAL	ICBM	SLBM	BOMBERS	TOTAL
1964	201	74	548	821	952	605	6,471	8,028
1974	1,666	722	596	2,985	2,041	6,569	6,788	15,398
1984	7,135	2,140	756	10,031	2,231	5,611	6,118	13,960
1994	4,530	2,436	1,468	8,434	2,215	3,021	3,565	8,801
2004	2,478	1,072	872	4,422	1,150	2,016	1,050	4,216

Notes: ICBM, intercontinental ballistic missiles. SLBM, submarine-launched ballistic missiles.

Sources: Robert S. Norris and Hans M. Kristensen, "Russian Nuclear Forces, 2004," *Bulletin of the Atomic Scientists*, 60, no. 4 (July/August 2004): pp. 72–74, available at [www.thebulletin.org/article\\_nn.php?art\\_ofn=ja04norris](http://www.thebulletin.org/article_nn.php?art_ofn=ja04norris) (accessed January 6, 2005); Norris and Kristensen, "U.S. Nuclear Forces, 2005," *Bulletin of the Atomic Scientists*, 61, no. 1 (January/February 2005): pp. 73–75, available at [www.thebulletin.org/article\\_nn.php?art\\_ofn=jf05norris](http://www.thebulletin.org/article_nn.php?art_ofn=jf05norris) (accessed January 6, 2005).

reduction process is one reason why many countries discount U.S.-Russian nuclear disarmament.

The 2002 Treaty of Moscow exacerbates this skepticism, because unlike the earlier START treaties, it contains no agreed-upon schedule for eliminating the launchers from which those warheads are removed. Although it calls for removing warheads from operational deployment, like START I, it says nothing about warhead elimination. Thus, there is a dual problem with the Moscow Treaty: it is silent on warhead elimination, and appears to backtrack on launcher elimination.

The Bush administration has made it clear that warhead elimination will occur, but as a consequence of unilateral U.S. policy, not a reduction agreed with Moscow. In May 2004, the president

approved a stockpile plan, whose details have not been made public, that will reportedly cut the U.S. nuclear stockpile almost in half by 2012.<sup>95</sup> In this way, the administration will maintain maximum flexibility in the process, but it is unclear how the United States will encourage or impel Russia to undertake similar warhead reductions.

Moreover, the current U.S. nuclear posture review, made public in 2002, states that, depending on events, *increased* deployments of strategic nuclear weapons are just as likely as a continued downward trajectory.<sup>96</sup> Coupled with the lack of agreed-upon measures for eliminating missiles and bombers, this has led many, including influential Russians, to calculate that the United States might reverse course on the reductions in the Treaty of Moscow.

Concerns have also emerged that Russia is not fulfilling its commitments under the so-called Presidential Nuclear Initiatives (PNIs) to reduce its holdings of nonstrategic or tactical weapons. In these statements, made in 1991 and 1992, the United States and Russia independently but simultaneously indicated that they would remove nonstrategic weapons from operational deployments and eliminate them over time. Although the PNIs were not treaty commitments, they were to include measures, such as data exchanges, to enhance confidence in their implementation. Russia has not provided this information in full, and the United States and its European allies are increasingly concerned that Moscow has not fulfilled its PNI commitments.

Thus, despite considerable efforts over the past thirty-five years to reduce their operational holdings of nuclear weapons, the United States and Russia receive little credit in the international community for being serious about their NPT Article VI obligation. Certainly, the other nuclear weapon states—the United

Kingdom, France, and China—are unwilling to join in disarmament efforts until the United States and Russia restore the momentum toward reductions in their own nuclear arsenals.

This problem could be dealt with in several ways. To start, Washington and Moscow should tell their story better. For instance, in addition to eliminating weapon systems, they have closed and eliminated a considerable number of facilities for producing warheads. This process has been especially active in the United States, but also—increasingly, and with U.S. help—in the Russian Federation.

More important, however, would be bilateral steps to reduce the number of warheads. Such steps would have to be taken without compromising the security of sensitive warhead information. This concern could be met by recent technical advances such as information barriers, which permit monitoring of warheads without direct physical access to them by the inspectors. The United States and Russia could also take advantage of innovative transparency measures already in place for ongoing nonproliferation projects such as the Highly Enriched Uranium Purchase Agreement (“HEU deal”). They could also take advantage of recent U.S.-Russian efforts to enhance the safety and security of warheads.

More bilateral attention to controlling warheads is thus a realistic goal that would underscore for the international community that the United States and Russia are serious about their commitments to reduce nuclear weapons. Better bilateral controls, even if they did not immediately involve monitoring the elimination of warheads, would have the added benefit of improving protection against terrorist theft or other illicit acquisition of nuclear warheads and materials.

While the United States reduces the size of its nuclear arsenal, it must also maintain an effective, reliable nuclear deterrent. This will be necessary as long as nuclear threats remain in the world. Politically, reductions can only be accomplished against the backdrop of a strong national commitment to well-maintained nuclear forces. This raises a critical question: How can the United States best sustain the reliability of its nuclear arsenal without nuclear testing?

Since the moratorium on nuclear testing was established in the early 1990s, the United States has relied on science-based stewardship of the stockpile. U.S. laboratories have developed a number of activities to ensure that U.S. nuclear weapons are well maintained and will perform according to their specifications at any time and under any circumstances. This performance capability is certified on an annual basis.

Some experts nonetheless argue that weapons reliability cannot be maintained without testing. They emphasize that the stockpile stewardship program cannot sustain the human capital—the scientific expertise—needed for a weapon program. They also argue that if the United States abandons its testing program, it will not devote the resources needed to maintain the physical testing infrastructure.

However, it will be impossible to urge the rest of the world to accept a stronger nonproliferation regime if the United States is testing nuclear weapons. Nor is there a need to. The U.S. nuclear arsenal is so considerable that should the science-based stockpile stewardship program detect a flaw in one of the many deployed nuclear weapons, alternative nuclear assets would be available. Furthermore, since the test ban is not a unilateral undertaking, other nuclear weapon states face similar or more difficult

challenges, which means that the United States should be able to maintain its clear technical superiority. The United States also should be able to maintain the expertise and morale of its nuclear weapon specialists at least as well as other countries operating under the same constraints.

On balance, overall U.S. security would be best served by a ratification of the Comprehensive Test Ban Treaty and, until that happens, by continuation of the indefinite moratorium on testing.

## **SUMMARY OF POLICY RECOMMENDATIONS**

- ▶ The objectives of preventing the spread and use of nuclear weapons should now drive U.S. nuclear policy. (p. 133)
- ▶ While nuclear threats remain in the world, the United States must maintain an effective nuclear deterrent. (p. 133)
- ▶ The role of nuclear weapons in national security policy should be de-emphasized, and the norm against the use of these weapons should be strengthened. (p. 137)
- ▶ The United States should halt research into and development of new nuclear weapons, pursue ratification of the Comprehensive Test Ban Treaty and continue a moratorium on testing in the meantime, and continue to develop non-nuclear strike assets. (pp. 134–137)
- ▶ The United States and Russia should reduce nuclear risks by standing down from hair-trigger postures and by ending preemptive strategies and the forward deployment of nuclear weapons. (p. 139)
- ▶ The United States should work with Russia and other countries to restore the momentum toward verifiably and irreversibly reducing nuclear weapons and materials. (p. 147)

## Disarmament

Article VI of the NPT obligates parties to “pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament.” In 2000, this obligation was reaffirmed by an “unequivocal undertaking” of treaty members “to accomplish the total elimination of their nuclear arsenals.”<sup>97</sup>

Many officials in nuclear weapon states think this commitment should not be taken seriously today. Recognizing this, many states in the rest of the world hesitate to strengthen enforcement of nonproliferation because they believe that the nuclear weapon states are not committed to disarmament. States that have given up programs to produce nuclear weapons are particularly frustrated. Argentina, Brazil, Canada, Germany, Japan, South Africa, and Sweden are among the influential countries that demand clearer commitments to disarmament in order to ensure their continued cooperation in nonproliferation efforts. These states’ commitments to abjure nuclear weapons must not be taken for granted; in some cases it is conceivable that decisions could be made to hedge nuclear weapon options. More immediately, these states are vital to the making and enforcing of the rules on which effective nonproliferation depends.

Like it or not, the United States and the other nuclear weapon states must address the disarmament issue more directly than they have in the past. In the near term, the P-5 must comply with commitments made in 1995 when persuading the rest of the world to indefinitely extend the NPT and the thirteen steps adopted at the 2000 NPT Review Conference (see “The Thirteen Steps,” page 151).

## THE THIRTEEN STEPS

The 2000 NPT Review Conference, the first since the Non-Proliferation Treaty was indefinitely extended in 1995, was highly contentious. The United States focused on threats posed by North Korea, Iran and Iraq, while the non-nuclear weapon states expressed frustration over the pace of the weapon states' compliance with their disarmament obligation.

To maintain the regime in this divisive environment, the parties agreed to establish clearer benchmarks for effecting and measuring the weapon states' commitment to fulfill Article VI. Parties stated their commitment to an "unequivocal undertaking...to accomplish the total elimination of their nuclear arsenals," and backed it up by specifying thirteen steps they would take:

- ▶ early entry into force of the Comprehensive Test Ban Treaty
- ▶ a moratorium on all types of nuclear explosions, pending entry into force of the treaty
- ▶ conclusion within five years of a verifiable fissile material cutoff treaty
- ▶ establishment within the Conference on Disarmament of a subsidiary body to work solely on nuclear disarmament
- ▶ application of the principle of irreversibility to all nuclear arms control
- ▶ an unequivocal commitment by the nuclear weapon states to full nuclear disarmament

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### **THE THIRTEEN STEPS (continued)**

- ▶ early entry into force of START II, the conclusion of START III negotiations, and the preservation of the Anti-Ballistic Missile Treaty
- ▶ completion of the Trilateral Initiative among the United States, Russia, and the IAEA
- ▶ steps by all the nuclear weapon states toward nuclear disarmament, including a unilateral reduction in nuclear arsenals, increased transparency, the reduction of the number of tactical nuclear weapons, a reduction in the operational status of nuclear weapon systems, and a diminished role for nuclear weapons in security policy
- ▶ a commitment by the nuclear weapon states to allow the inspection and disposition for peaceful purposes of all excess fissile material
- ▶ reaffirmation of the goal of complete disarmament under effective international control
- ▶ regular reports by all states on the implementation of Article VI of the Non-Proliferation Treaty
- ▶ improved verification capabilities

Agreement on these specific benchmarks signified an important and often overlooked evolution. Whereas many non-nuclear weapon states had in the past simply insisted on the need for complete disarmament, now they accepted a more realistic, incremental approach. Thus, the Thirteen Steps entailed a major political compromise: a fallback from the absolute language of Article VI.

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### **THE THIRTEEN STEPS (continued)**

Failure to take the Thirteen Steps seriously would therefore have serious political consequences. It would inspire even greater resistance by the non-nuclear weapon states to new measures to strengthen the nonproliferation regime, and could undermine willingness to maintain the regime at all. Unfortunately, little progress has been achieved to date.

To make matters worse, the Bush administration has suggested that it may repudiate the commitment entirely. In May 2004, then Assistant Secretary of State John Wolf stated, “The world moves on and the discussion ought not to be locked in 2000. . . . We could return to 2000 and pretend that the next five years did not exist, but we would rather start in 2005.”<sup>a</sup> Adaptability to changing circumstances is wise, but the United States has proposed nothing to replace the obligations it would be unilaterally disavowing (perhaps to the relief of Russia, China, France, and the United Kingdom). Why then should other governments not feel free to renege on the political obligations their predecessors negotiated?

It is difficult to imagine a more damaging approach to the creation of a rule-based international security system, which every U.S. leader since Dwight Eisenhower has sought in order to manage nuclear technology. If “might makes right” is to guide the nuclear weapon states’ approach to the nonproliferation bargain, the world should not be surprised when other states begin to view development or acquisition of nuclear weapons as a natural move by the weak to neutralize the advantage of the strong.

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### THE THIRTEEN STEPS (continued)

Note

- a Wade Boese and Miles Pomper, “The Bush Administration’s Nonproliferation Policy: An Interview with Assistant Secretary of State for Nonproliferation John Wolf” May 13, 2004. Available at [www.armscontrol.org/interviews/Wolf.asp](http://www.armscontrol.org/interviews/Wolf.asp) (accessed December 7, 2004).

To further demonstrate their commitment to this process, the nuclear weapon states should use the occasion of the 2005 NPT Review Conference to urge the UN Security Council to request that *all* states possessing nuclear weapons or stocks of fissile materials publish white papers addressing the series of questions listed below. In this way, the United States and other nuclear weapon states could move from a defensive to an offensive strategy on the disarmament question. In addition, the nuclear weapon states should make proponents of disarmament go beyond high-minded slogans and wrestle with the immensely difficult technical and political security challenges that must be overcome in order to eliminate nuclear arsenals.

For states with nuclear weapons, what technical facilities, capabilities, and procedures would be required to verifiably eliminate each nation’s nuclear arsenal and securely dispose of the fissile materials contained in them? Physically, how long would a phased dismantlement and disposition process take? What technologies and procedures would be necessary to allow international verification of nuclear disarmament while protecting sensitive weapon design information or other knowledge from being “proliferated”?

For all states possessing nuclear weapon materials (including Israel), what is the national capacity to account for all fissile materials produced?<sup>98</sup> Given that most of the acknowledged nuclear weapon states do not have accurate records of their production of nuclear weapon materials in the distant past, what procedures or policies do states recommend to provide high confidence that no state is secreting away material or weapons while claiming to have eliminated its nuclear arsenal, or to have never possessed one in the first place?<sup>99</sup> For all states with unsafeguarded fissile materials, what level of confidence would the state require in disarmament verification before it could verifiably dismantle the last nuclear weapon or put the last kilogram of fissile material under IAEA safeguards?

Would the production of fuel for nuclear reactors, including plutonium separation, be feasible in a world without nuclear weapons, where sensitivity to proliferation risk would be even greater than today? Would such production need to be managed differently? If so, why and how? What would be the cost implications for nuclear power generation?

Asking and answering these questions is a minimal way for the nuclear weapon states (and others with stocks of fissile material) to demonstrate that they take their disarmament obligation seriously. In the world of government, a policy for which no bureaucratic tasking has been made simply does not exist. The assignment of agencies and individuals to prepare the white papers would display some seriousness of purpose, create some internal governmental focus on disarmament, and, most important, provide a means of detailing some of the extremely challenging problems that must be overcome to create a world without nuclear arsenals.

The published white papers should be addressed by an international forum, with the Conference on Disarmament or the IAEA the most obvious extant possibilities. India, Israel, and Pakistan, as members of these organizations, should be expected to produce such papers. Public versions of these papers should then be made available for analysis and debate by concerned citizens, NGOs, and intergovernmental bodies that have an interest in these topics. The United Kingdom has set an important precedent for beginning such work.<sup>100</sup>

International debate on these papers would force an appreciation of the challenge of nuclear disarmament. Not only states with nuclear weapons, but all states that possess nuclear materials and related infrastructure, would have to achieve greater transparency. Gaps in accounting of nuclear weapon materials would be inevitable, raising international security questions that are off the radar screen today. In short, expectations regarding the challenges and benefits of complete nuclear disarmament would receive the serious scrutiny they deserve.

The United States and other cofounders of the nonproliferation regime recognized that the imbalance between nuclear “haves” and “have nots” would be unstable over time. The obligation to pursue nuclear disarmament sprang from this understanding. If, upon examination, the challenge of eliminating the absolute last nuclear weapon is too fraught with uncertainty and too technically, politically, and economically demanding, an alternative basis must be found for stabilizing the nuclear order. This will require a shared understanding that expectations need to be adjusted. All of this can be done within the framework of the universal rules and mechanisms outlined in the present strategy report, building on the NPT foundation.

## **SUMMARY OF POLICY RECOMMENDATIONS**

- ▶ Reaffirm and act to implement the thirteen steps agreed to in 2000, or negotiate and implement similar disarmament steps. (p. 150)
- ▶ To demonstrate commitment to disarmament, the nuclear weapon states and states with stocks of fissile materials should publish white papers detailing how they could dismantle their nuclear arsenals or account for and securely store all their fissile materials in a verifiable manner as would be required in a world without nuclear weapons. These papers should be discussed and debated in an appropriate international forum. (p. 154)





## CHAPTER SIX: APPLYING THE STRATEGY TO REGIONAL CRISES

### Pakistan-India-China

Nuclear proliferation in South Asia has many dimensions, some of which were addressed in obligation 6 (chapter 1) and in “Implementing the Three-State Solution,” page 45. Numerous new obligations that both India and Pakistan need to shoulder are spelled out there. More specific policies must be undertaken to reduce the potential for military conflict between the two countries, particularly the possibility of escalation to nuclear use, as well as the possibility that Pakistanis will transfer nuclear weapons, material, and know-how to undeterrable actors.

It is not reasonable to think that India and Pakistan will choose to reduce these threats simply by eliminating their nuclear arsenals, no matter how much rhetoric and diplomatic pressure the international community exerts to this end. However, UN Security Council Resolution 1540 clarifies the trajectory these two states should follow. Resolution 1540 mandates all states to protect all nuclear materials from theft and to strengthen export controls. India and Pakistan can and should set a positive example for others by immediately and unconditionally bringing their export control laws and practices up to the most stringent international standards and establishing databases and border controls to prevent scientists and engineers from proliferating nuclear know-how. The requirements of the MTCR provide benchmarks that could guide the nonproliferation law and practice of India and Pakistan. But avoiding nuclear war in South Asia will require political breakthroughs in Indian-Pakistani relations and Sino-

Indian relations, and domestic reform in Pakistan. Nor will India and Pakistan eliminate their nuclear arsenals outside of a process of reciprocal global nuclear disarmament whose mechanisms have not yet been sketched out by the United States, China, France, Russia, and the United Kingdom.

### **SECURE NUCLEAR CAPABILITIES AGAINST TERRORIST ACQUISITION**

To help prevent terrorists from acquiring nuclear weapon capabilities, the United States should work quietly with Pakistan and India to ensure that they employ state-of-the-art practices and technologies to secure nuclear facilities, material, and know-how. This is consistent with each state's obligation under Resolution 1540. Lawyers hold diverse views on whether the NPT bars any cooperation with the nuclear weapon establishments of India, Pakistan, and Israel, but Resolution 1540 creates a clear basis for cooperation that would strengthen protections against export, transit, and transshipment of sensitive nuclear materials.

The United States, in concert with others, or alone if necessary, should offer, and India and Pakistan should welcome, an expansion of threat reduction programs to make the protection of fissile materials in Pakistan and India a top-priority measure.<sup>101</sup> Under such programs, outside states would provide both India and Pakistan with technologies and procedures to improve the reliability of personnel in organizations responsible for nuclear materials and weapons, and training and equipment for facility operators and regulators to improve physical protection and control and accounting of nuclear materials. These improvements also could be implemented through discussions of best practices in other countries. In addition, the states should pursue joint development of technical equipment for border control and customs agencies in order to improve the detection of nuclear and radiological

materials at border crossings, as well as research partnerships with nuclear experts to strengthen their role in the peaceful application of nuclear technologies.

India and Pakistan, unlike North Korea and Iran, are not barred under international treaty from having nuclear weapons. States proffering the assistance recommended in the present chapter should not expect to gain physical access to sensitive Pakistani or Indian nuclear facilities; rather, they can provide recommendations, descriptions of best practices, and security technologies that Indians and Pakistanis would then apply to their own facilities.

#### **NEGOTIATE AND PROPERLY IMPLEMENT NUCLEAR RISK REDUCTION MEASURES**

India and Pakistan should be strongly encouraged to implement nuclear risk reduction practices. The two countries have outlined possible measures, but have been slow to formalize and implement them. In the wake of its recent egregious violations of nonproliferation norms and practices, Pakistan should be strongly encouraged to take these steps with India as a sign that it can be a responsible steward of nuclear weapons. The United States has protected certain interests of Pakistani leaders and the Pakistani army in not publicly disclosing all that it has known over the years about nuclear proliferation from Pakistan; disclosure should be considered if Pakistani leaders do not act urgently with India to build confidence in their nuclear stewardship. The United States also should weigh Indian-Pakistani risk reduction efforts in determining the quantity and quality of military trade with both countries.

Priority measures to achieve these goals include having the two sides establish national risk reduction centers in their respective countries to administer agreed-upon confidence-building

measures; negotiate and implement an agreement not to flight-test missiles in the direction of the other country and to flight-test missiles only from designated test ranges; exchange planned schedules of missile tests on an annual basis to supplement the current practice of twenty-four-hour advance notification; provide advance notice of the movement of missiles for training purposes; and avoid operational deployment of nuclear warheads mated to delivery systems.

### **PHASE OUT NATIONAL FISSILE MATERIAL PRODUCTION**

The single most effective way for Pakistan and India to limit a nuclear arms race, and to contain the pool of material that could potentially be diverted to terrorists, would be to end the production of fissile material. Strong security and economic arguments can be made that both states would benefit from such a move today. Each has sufficient material for nuclear arsenals large enough to meet its deterrence needs. Pakistan would not need further production to fuel its small LEU-based nuclear energy program, and India's plutonium breeder program, if it ever proved feasible, could rely on stocks on hand or imports from states with surplus stocks. Indeed, were India and Pakistan to dismantle their uranium enrichment and plutonium reprocessing facilities and place all their nuclear reactors under international safeguards, a strong case could be made for the Nuclear Suppliers Group to seek non-nuclear weapon states' endorsement of the initiation of commerce with them in nuclear power reactors and fuel services.

In all likelihood, however, Indian and Pakistani leaders will not stop all production of fissile material unilaterally or even bilaterally. They should, however, accept with all states a global ban on HEU production and a moratorium on plutonium separation, and

join in negotiating an FMCT—an international treaty banning the unsafeguarded production of fissile materials.

### **RESOLVE THE KASHMIR DISPUTE**

The single most likely cause of deterrence failure in South Asia, and therefore the most likely cause of nuclear use, would be an attempt by Pakistan or India to forcibly change the territorial status quo in Kashmir. India appears to recognize that it cannot gain sovereignty over the part of Kashmir that Pakistan now controls. Thus, the primary challenge is to persuade Pakistan and, more difficult, jihadi organizations active in Kashmir, to accept that violence will not create a favorable outcome in the part of Kashmir that India controls. All of Pakistan's interlocutors should communicate to Islamabad that Pakistan cannot hope to change the territorial status quo in Kashmir. At the same time, the international community should emphasize its willingness to help improve the status and well-being of Muslims in all of Kashmir.

Creative and courageous political and diplomatic work will be required to stabilize Kashmir. This will entail not only Indian-Pakistani diplomacy, but also much greater attention by all parties to the needs and aspirations of the Kashmiri people. Indian, Pakistani, and international authors have offered numerous constructive policy prescriptions relating to Kashmir.<sup>102</sup> The task now is for the United States and other influential actors to encourage Indian and Pakistani leaders to pursue these prescriptions. This is a long-term challenge, but it is unrealistic to expect substantial progress toward eliminating nuclear weapons in South Asia before it is met. The most important immediate step is to make permanent the current cease-fire along the Line of Control between India and Pakistan.

## **SUPPORT POLITICAL REFORM IN PAKISTAN**

Some governments inspire more confidence as stewards of nuclear weapon capabilities than others. Transfer of nuclear weapon designs, centrifuges, and related weapon capabilities from Pakistan to North Korea, Iran, Libya, and perhaps other destinations raises understandable questions about whether the Pakistani government can be trusted. The absence of visible checks and balances and other forms of accountability in Pakistan limits confidence that dangerous actors and inadequate policies and procedures will be identified and replaced.

The army's dominant role in Pakistan is a systemic problem. While the army often claims, with some reason, that it is the only institution that can guide the state, and that elected civilian leaders chronically misgovern, Pakistan cannot be stable over the long term under military rule. Over the years, the army and its intelligence services have intensified the Islamization of Pakistani politics, nurtured the Taliban, and opened the political space for extremist parties. To correct these dangerous developments, the army and outside supporters of Pakistan must seek to strengthen civilian institutions so that effective political and economic authority can be transferred to them. The army must be made accountable to some institution other than itself. Because the Pakistani army, including its powerful intelligence arm, bases its claim to political power and economic resources in large part on the threat that India is said to pose to Kashmiri Muslims and Pakistan itself, the army lacks motivation to find ways to resolve the Kashmir issue. The unresolved status of Kashmir significantly exacerbates regional instability, which in turn intensifies Pakistan's perceived need for nuclear weapons.

For the sake of Pakistan's long-term internal stability and Indian-Pakistani rapprochement, the capacity of civilian political

parties and institutions must be strengthened so that they can become effective governors of the polity and the economy. Paradoxically, the long-term future of Pakistan depends on the army voluntarily nurturing independent civilian institutions and leaders to displace it from many positions it now occupies. Perhaps the greatest challenge, for the army leadership as well as civilians, will be to impose control from top to bottom over the ubiquitous intelligence services, some of whose personnel operate autonomously. The United States' will and capacity to encourage restructuring and reform of the intelligence services is undermined by the Central Intelligence Agency's dependence on these services in combating the Taliban, al Qaeda, and other terrorist actors and sponsors. Ultimately, though, such reform is key to an effective nonproliferation strategy as well as to stability in South Asia.

### **PROMOTE STABLE CONVENTIONAL FORCE BALANCES**

India is in the midst of a major modernization of its conventional forces. It plans to procure advanced aircraft, airborne early warning and command and control systems, and possibly missile defenses from Russia, Israel, and the United States. These acquisitions could appear to threaten Pakistan's nuclear deterrent. The effects of ballistic missile defenses on strategic stability, in particular, need to be thought through much more fully in India—and among potential suppliers—than they have been to date.<sup>103</sup> Were Pakistan to find its deterrent deeply undermined, in the absence of a fundamentally transformed relationship with India, it would react by increasing the quantity and survivability of its nuclear force, along with the means to penetrate Indian defenses. In part out of concern about the erosion of its strategic position relative to India, Pakistan seeks and may acquire new F-16 fighter-bomber aircraft from the United States that are capable of performing

multiple roles, including delivery of nuclear weapons. All of these developments could increase the risk of escalation during a crisis and accelerate the nuclear arms race in South Asia. The United States should exercise strategic restraint and avoid sales of weapons such as antimissile systems and F-16s that could directly unsettle the state of nuclear deterrence between India and Pakistan. If and when the two countries stabilize their relationship, it should then be possible to provide new strategic capabilities that, under agreed-upon confidence-building regulations, would be seen to serve defensive, not offensive, purposes.

Efforts to constrain both a conventional and a nuclear arms race in South Asia are complicated by the fact that India seeks simultaneously to deter and defend against Pakistan *and* China. A triangular security dilemma results, wherein capabilities India acquires to counter China are perceived as threatening by Pakistan, prompting Pakistan to seek greater capabilities, which in turn add to the threats India perceives. China's vital assistance to Pakistan's nuclear and missile programs has intensified and complicated the regional security dynamic, implicating China more fully in it than many international officials recognize.

There are no easy solutions to either the Indian-Pakistani or the triangular Sino-Indian-Pakistani security dilemma. India and China are making progress toward resolving their border dispute and improving their relationship; were India and Pakistan to make similar progress, conditions could be created for negotiated measures to regulate conventional and nuclear capabilities on a triangular basis. But hard realities will remain: China will continue to modernize its military capability, which will prompt India to do the same, which will in turn alarm Pakistan, whose wherewithal is significantly inferior. To go further and consider eliminating

nuclear arsenals, Pakistan would look for India to make initiatives, and India would react to China's lead. But China's willingness to cut back or eliminate its nuclear arsenal is linked to its nuclear security relationships with the United States and Russia, which is why the disarmament challenge in South Asia is now embedded in the global disarmament process.

### **A U.S. POLICY ON NUCLEAR COMMERCE**

The United States needs a clear policy on doing nuclear business with India. Indian officials emphatically urge the United States, France, and other states to waive or amend nonproliferation prohibitions against nuclear commerce (which is often subsidized) with India. India has not put all of its nuclear facilities under safeguards, or even all of its civilian facilities, but it wants nuclear suppliers to change existing rules and sell it nuclear reactors anyway.

The United States should encourage agreement among nuclear suppliers to allow assistance to enhance the safety of old, safeguarded nuclear facilities in India, Israel, and Pakistan. However, the United States and other nuclear technology suppliers should not accede to the Indian demand to end restrictions on sales of technology for new reactors as long as doing so would undermine non-nuclear weapon states' commitments to strengthening the nonproliferation regime. Many parties to the NPT chose to join the treaty as non-nuclear weapon states on an understanding that the benefits of nuclear commerce would accrue only to states that eschewed nuclear weapons. Argentina, Australia, Brazil, Japan, Germany, Sweden, and South Africa are among such states. They argue that recognizing India as a nuclear weapon state and providing unrestricted nuclear commerce to India would reward proliferation and thereby devalue their own nuclear abstinence.

Thus, the long-term costs of according nuclear weapon status to India and opening it (and Pakistan and Israel) to nuclear reactor commerce outweigh the benefits. The burden should not be on the United States to amend global nonproliferation norms and rules for the sake of India; rather, it is up to India to persuade the non-nuclear weapon states that the rules should be changed. Even as Washington recognizes that India developed nuclear weapons for its own national interests, and was not precluded by treaty obligations from doing so, the United States must support states that uphold the nonproliferation regime by not acquiring nuclear weapons.

### **SUMMARY OF POLICY RECOMMENDATIONS**

- ▶ Lead an initiative to ensure that Pakistan and India employ state-of-the-art practices and technologies to secure nuclear facilities, material, and know-how. (p. 160)
- ▶ Encourage Pakistan and India to negotiate and properly implement nuclear risk reduction practices. (p. 161)
- ▶ Encourage India and Pakistan to cease uranium enrichment and plutonium separation, in return for ending international restrictions on nuclear technology and fuel service cooperation. (p. 162)
- ▶ Encourage India and Pakistan to accept a permanent cease-fire across the Line of Control between India and Pakistan. (p. 163)
- ▶ Strengthen civilian political parties and institutions in Pakistan. (p. 164)
- ▶ Promote stable conventional force balances and security relationships among Pakistan, India, and China. Do not provide U.S. weaponry

capable of delivering nuclear weapons, such as fighter-bomber aircraft, or of destabilizing the strategic balance, such as ballistic missile defenses, unless and until India and Pakistan have stabilized their relationship so that new strategic capabilities would only be seen to serve defensive, not offensive, purposes. (pp. 165–166)

- ▶ Extend international cooperation to India and Pakistan (and Israel) to upgrade the safety of reparable existing nuclear plants, if and when all civilian nuclear facilities are placed under safeguards. (p. 167)
- ▶ Resist Indian demands to waive or amend nonproliferation prohibitions against nuclear technology commerce for new reactors, in the absence of support from key non-nuclear weapon states. (p. 167)

## Iran

A nuclear-armed Iran would sharply exacerbate regional security and almost certainly give rise to similar programs in other Middle Eastern states, reversing the trend set in Iraq and Libya. The nonproliferation regime would not likely survive such a breakout, while the Middle East would become even more dangerous. In short, Iran may be the key proliferation tipping point.

The thirty-five member states of the IAEA Board of Governors concluded in November 2004 that Iran has committed “many breaches of its obligations to comply” with its nuclear safeguards agreement under the NPT, and that inspectors were still unable “to conclude that there are no undeclared nuclear materials or activities in Iran.” France, Germany, and the United Kingdom, on behalf of the EU, have taken the lead in trying to reverse Iran’s dangerous course.

It is reasonable to conclude from Iran’s behavior that Iranian decision makers have not made a strategic decision to forgo the

capability to acquire nuclear weapons. Rather, Tehran appears to be making tactical decisions to balance its desire not to become an international pariah with its concern that security and status interests may argue for preserving a nuclear weapon option. If Iran's overriding interest is to guarantee fulfillment of its "right" to a secure supply of electricity from nuclear technology, then that "right" can be met fully and cost-effectively through international cooperation. France, Germany, and the United Kingdom (the EU-3), backed by Russia, the United States, and China, should assure Iran that its nuclear reactor program can proceed without interference. If, however, Iranian leaders also want to obtain the materials necessary to produce nuclear weapons, they have no right to do so, under Article II of the NPT, and the EU-3 and the UN Security Council should act to prevent Iran from obtaining such materials. The challenge before the international community today is to clarify Iran's intentions and give it every incentive—positive and negative—to meet its energy, political, and security needs without technologies that pose inherent threats of nuclear weapon proliferation.

Iran's clear violations of its safeguards obligations, its extensive pattern of deception, and lingering unanswered questions regarding its work on uranium enrichment technologies and its experimentation with polonium, which can be used in nuclear weapon triggers, raise unavoidable doubts about its commitment to use nuclear technology and materials exclusively for peaceful purposes, as required under Article II of the NPT. While Iran should not be denied the "right" to nuclear energy, Tehran's record has made it unsafe for the international community to permit Iran to produce weapon-usable uranium or plutonium. Iran should rely on guaranteed, cost-effective international supplies of fuel services to meet its energy needs.

## CLARIFY BENEFITS

Pursuant to their November 2004 agreement, the EU and Iran began negotiations over the benefits the latter would gain in exchange for “objective guarantees that Iran’s nuclear program is exclusively for peaceful purposes.” Iran will argue that permanent international monitoring of its declared uranium enrichment operations (and hoped-for future heavy water and plutonium production facilities) would objectively guarantee the peacefulness of these activities. The EU, backed by the rest of the world, must make clear that the only way to objectively guarantee non-weapon-related applications is for Iran to forgo possession and operation of technologies to enrich uranium or separate plutonium.

EU negotiators recognize that Iran must receive positive incentives to accept this interpretation of “objective guarantees.” Thus, the EU-Iran negotiations include working groups on “political and security issues, technology and cooperation, and nuclear issues.” The EU also committed to negotiate with Iran on a trade and cooperation agreement and to support opening Iranian accession negotiations at the World Trade Organization. The November 2004 EU-Iran agreement also commits both sides to combating terrorism and to supporting the political process in Iraq “aimed at establishing a constitutionally elected Government.” These negotiations have the potential to lead Iran to terminate its nuclear ambitions, but will be fitful and crisis prone.

The United States and all other states should actively support these negotiations by reinforcing the positive and negative incentives for Iran to forgo acquisition of capabilities to produce materials directly usable in nuclear weapons. While a host of motives are behind Iran’s long-standing interest in a nuclear option—not the least of which being regional status and, formerly, the threat

from Saddam Hussein's Iraq—the United States should at least recognize the threats Iran perceives from the United States and communicate to the current Iranian government that it will not pursue regime change through overt or covert military action if Tehran verifiably forswears acquisition of all capabilities related to nuclear weapons and ends its support of groups that commit terrorism. It is highly unlikely that either the United States or the Iranian people would be able to replace the current government before it would have time to acquire nuclear weapons. Therefore, the United States must deal with the current Iranian government, which cannot be expected to abandon its budding nuclear weapon capabilities if it faces the U.S. threat of forced regime change. The United States should not disavow political support for democratic reformers in Iran. Rather, it should do as it did with the Soviet Union: pursue nuclear negotiations while concurrently championing reform.

Though some in Washington resist a strategy of positive engagement with Iran, they have failed to offer an alternative to the EU strategy that would alter Iranian decision making or destroy its nuclear capabilities for a suitably long period of time. If, with active U.S. support, the EU strategy failed, Washington would be no worse off than it is today.

Finally, the international community, especially the United States, must act on the reality that Iran's size, resource base, history, and mobilized population will always make it a major power in the Persian Gulf region and the broader Middle East. Stability in Iraq and the broader region therefore requires cooperation, or at least shared rules of the road, among Iran, Iraq, the Gulf Cooperation Council states, more distant neighbors, and, of course, the United States. If there is to be an easing of pressures

toward proliferation of nuclear (and chemical and biological) weapons in this region, progress must be made in constructing a regional security system. Iran should know that the more its smaller neighbors fear it, the more they will seek protection from the United States. Similarly, the United States and Iran's neighbors should communicate that Iran need not fear interference in its affairs if it eschews capabilities and activities that threaten others. A regional security dialogue should be convened to facilitate this process of communication and regional rule making.

### **RAISE COSTS**

The prospects for persuading all of the powerful factions in Iran to eschew options to acquire nuclear weapons would be greater if those factions perceived that the international community could physically prevent them from acquiring such weapons. Diplomacy also would be augmented by the realistic possibility of economic sanctions on investment in Iran imposed by all countries, not just a few. Unfortunately, Iranian leaders seem to discount the prospect that the United States or another country could destroy all of Iran's nuclear assets. The most militant Iranian factions believe that a U.S. or Israeli military attack, without UN authorization, would rally the Iranian people to their government in dedicated defiance of the attackers. And there is little danger of comprehensively imposed economic sanctions so long as Iran does not incontrovertibly break its nonproliferation obligations and openly seek nuclear weapons. China's unwillingness to support economic sanctions to enforce international rules is intensified by its growing dependence on Iranian oil.

Thus, the options for raising the costs of Iranian nuclear defiance are rather limited. The best way to improve these options is

to pursue the negotiating course charted by the EU, maintaining an uncompromising bottom line on nuclear terms and offering reasonably generous incentives to Iran to accept it. If Iran rejected such incentives, it could be held to account for creating a crisis that left the international community no recourse but to pursue a more coercive approach. The United States and other countries should continue to seek intelligence on Iranian nuclear facilities, to increase the effectiveness of military action in case no other options are left. Participants in the PSI should also convey privately to Iran that they will redouble their efforts to physically prevent Iran from receiving or exporting nuclear technology and material.

#### **SEEK A SECURITY COUNCIL GUARANTEE OF A DEAL**

The UN Security Council is the ultimate enforcement body of the NPT, and the UN is the clearest source of international legitimacy. The importance, difficulty, and global implications of the issues surrounding Iran's nuclear activities warrant the Security Council's taking up the matter, but not yet in the punitive way that the United States seeks and Iran fears. Rather, at the hoped for culmination of the EU-Iran dialogue, the Security Council should be asked to consider a resolution positively endorsing the terms arrived at by the EU and Iran to objectively guarantee the world that Iran is conducting no nuclear activities that are not exclusively peaceful and that Iran's security, technical, and economic needs are met. Among these terms are likely to be a commitment by the EU and the international community, particularly Russia, to provide an uninterrupted, cost-effective supply of nuclear fuel to Iran, and to return spent fuel to its source. Security Council endorsement could help reassure Iran that neither the United States nor other states could interfere with its fuel

supply. In short, a positive Security Council resolution would significantly improve the durability of a deal between Iran and the international community.

### **STRENGTHEN UNIVERSAL STANDARDS**

To buttress Iran-specific initiatives, an effective nonproliferation strategy should also include steps urged elsewhere in the present report. Specifically, states should work to clarify through the IAEA and the NPT review process that nuclear cooperation with any state for which the IAEA cannot provide sufficient assurances regarding the peaceful nature of its nuclear program should be suspended. The IAEA Board of Governors should call for a suspension when its director general reports that a state is in “serious breach” or “noncompliance,” or when an “unacceptable risk of diversion” exists or the agency cannot carry out its mission. The UN Security Council should adopt a new rule making clear that if a state withdraws from the NPT, it remains responsible for violations committed while still a party to the treaty. The Security Council should also establish that if a state withdraws from the treaty—whether or not it has violated it—it may no longer make use of nuclear materials, facilities, equipment, or technology that it acquired from another country before its withdrawal. Such facilities, equipment, and nuclear material should be returned to the supplying state, frozen or dismantled under international verification. (A state’s failure to comply with these obligations would strengthen the legitimacy of military action to dismantle the relevant facilities and equipment.)

Furthermore, the Nuclear Suppliers Group should establish a rule that all purveyors of nuclear technology require contracts that specify that if a state receiving such technology withdraws

from the NPT, the provided nuclear supplies may not be used or transferred.

More broadly, the Nuclear Suppliers Group should be establishing through relevant international bodies a general rule that no new uranium enrichment and plutonium separation facilities should be established on a national basis in non–nuclear weapon states. This rule must be established and applied immediately in Iran, but it should become a universal standard.

Finally, the United States, the EU, and others must not ignore Iran's location in a volatile region, where one of its adversaries, Israel, possesses nuclear weapons. This does not absolve Iran of its obligation to reassure its neighbors and the world that it will not seek nuclear weapons, but it makes it incumbent upon the P-5 to intensify efforts to create of a zone free of nuclear, chemical, and biological weapons in the Middle East.

## **SUMMARY OF POLICY RECOMMENDATIONS**

- ▶ Actively support France, Germany, and the United Kingdom in their efforts to negotiate long-term arrangements with Iran that objectively guarantee that its nuclear program is exclusively for peaceful purposes. (p. 170)
- ▶ Communicate to the current Iranian government that the United States will not pursue regime change through military action if Tehran verifiably forswears acquisition of capabilities to produce materials that can be used in nuclear weapons and ends its support of groups that conduct terrorism. (p. 172)
- ▶ Support nuclear negotiations, including positive incentives to the Iranian government and people, while concurrently championing political reform in Iran. (p. 172)

- ▶ Establish a security dialogue among Persian Gulf states, including representatives of Iran and Iraq. (p. 173)
- ▶ Strengthen intelligence efforts to identify all Iranian nuclear activities and facilities and to work through the PSI to interdict illicit transfers of technology, material, or know-how. (p. 174)
- ▶ Urge the UN Security Council to consider a positive resolution endorsing the terms of a deal worked out by the EU and Iran that objectively guarantees that Iran's nuclear program is exclusively for peaceful purposes. (p. 174)
- ▶ Clarify through the IAEA and the NPT Review Process that all states should suspend nuclear cooperation with any state for which the IAEA cannot provide sufficient assurances regarding the peaceful nature of that state's nuclear program. (p. 175)
- ▶ Move a UN Security Council resolution to make clear that any state that withdraws from the NPT remains responsible for violations committed while it was still a party to the treaty. (p. 175)
- ▶ Move a UN Security Council resolution that a state that withdraws from the treaty—whether or not it has violated it—may no longer make use of nuclear materials, facilities, equipment, or technology acquired from another country before its withdrawal. (p. 175)
- ▶ Establish a Nuclear Suppliers Group rule that all purveyors of nuclear technology must require contracts that specify that if a state receiving such technology withdraws from the NPT, the provided nuclear supplies may not be used or transferred. (pp. 175–176)

## Middle East

### LOCK IN REGIONAL DISARMAMENT

Libya shows that nuclear, biological, and chemical weapons programs can be at least temporarily eliminated in a major country in the Middle East without that step being conditioned on disarmament everywhere in the region. The case of Iraq makes the same point, though the cost has been very high. To solidify Libyan and Iraqi disarmament, and broaden the benefits internationally, the United States and other major players must develop a strategy for regional security and disarmament. This process must involve states in the region with past and current chemical, biological or nuclear weapon programs or arsenals<sup>104</sup> and influential outside actors, including at least the United States and Russia. Chemical and biological weapons must be addressed along with nuclear weapons because in the Middle East the threats posed by all three are inseparable, insofar as use of any of these types of weapons can threaten the existence of large segments of the smaller states' populations.

Insecurity has many forms and sources in the Middle East, including governments with tenuous legitimacy, territorial disputes, the unsettled fate of the Palestinians, Sunni-Shiite tensions, intra-Arab rivalry, and a mix of chemical, biological, and nuclear weapons programs and arsenals that raise the stakes of any potential conflict. Arab states fear each other and Iran, while they variously detest or rely on (sometimes simultaneously) the U.S. military presence in the region. Iran fears Iraq and, related to it, the imposing U.S. military posture. This knot of real and exaggerated security threats and status seeking is pulled tighter still by Israel's undeclared possession of nuclear weapons, and by its continuing conflict with the Palestinians and with neighboring

Arab states that do not recognize its existence. The highest priorities are to prevent Iran from acquiring nuclear weapons, to end the use of force by states and nonstate actors against noncombatants, and to persuade Israel, Egypt and Syria to take immediate steps to enhance the prospect of creating a zone free of nuclear, chemical, and biological weapons.

Israel's possession of nuclear weapons must be recognized as central to the problem of improving regional security, but it is equally important to recognize that there is no reason to believe that the Arab states, Iran, and all terrorist organizations would completely and verifiably give up their chemical, biological, and nuclear capabilities and ambitions if Israel simply disarmed. Israel's military strategy is motivated by defensive imperatives, not aggressive intent to challenge the existence or territorial integrity of any other state. Nor does Israel seek to gain political prestige from its nuclear arsenal, whose existence it continues to deny. Some assert that Israel's nuclear arsenal has enabled it to occupy Palestinian territory and expand settlements on it, and therefore serves an aggressive strategy. This assertion is belied by the fact that Israel's control over Palestinian (and Egyptian and Syrian) territory resulted from the 1967 Six-Day War, which others initiated, and that Israel did not invoke its nuclear capability in this war. This does not excuse Israel's building of settlements on occupied territory, but the ongoing conflict over settlements should not be allowed to impede efforts to prevent the spread of nuclear, biological, and chemical weapons, especially as use of these weapons against Israel would put the Palestinian population at enormous risk.

Nevertheless, Israel's nuclear arsenal provides a popular *political* pretext for potential Arab proliferation. Many Arab states cite

the double standard reflected in Israel's nuclear status as an excuse not to support international efforts to enforce nonproliferation rules. Jordan, the United Arab Emirates, and other Arab states are key transit points for suspect exports and imports. The A. Q. Khan proliferation network, for example, operated through the United Arab Emirates, and the full extent of its "clientele" in the region is not publicly known. The Arab states and Pakistan are less likely to devote resources and leadership to strengthening export and customs controls and intelligence cooperation with key NPT states and institutions such as the IAEA if they feel that champions of the nonproliferation regime are not treating Israel on par with Muslim states.<sup>105</sup> As a leader of nonproliferation enforcement, the United States must, in the words of the public opinion researcher Daniel Yankelovich, "present a new vision of America to the Muslim world by positioning U.S. foreign policy on the side of justice, because the present perception is that the United States is always to be found on the side of injustice."<sup>106</sup>

### **A ZONE FREE OF NUCLEAR, CHEMICAL, AND BIOLOGICAL WEAPONS**

Thus, even as nonproliferation issues are tackled one by one, an ambitious regional initiative is also necessary. Key parties in the Middle East, including Israel, already have endorsed the objective of creating a zone free of nuclear, chemical, and biological weapons. This objective was reiterated and made a factor in the 1995 decision by parties to the NPT to extend the treaty indefinitely, and in UN Security Council Resolution 687, which created UNSCOM to oversee the disarmament of Iraq after the 1991 Gulf War. At the 2000 NPT Review Conference, the U.S. representative offered that

Israel has stated that it is prepared to surrender its nuclear weapons option in the context of a just, stable, and enduring Middle East peace....The U.S. is making every effort we can to bring about such a peace, and we believe that once that is achieved, that Israel can and should join the NPT as a non-nuclear weapons state.<sup>107</sup>

Instead of defensively trying to ignore Israel's nuclear status, the United States and Israel should proactively call for regional dialogue to specify the conditions necessary to achieve a zone free of nuclear, chemical, and biological weapons.

Many profound changes would have to occur to achieve the necessary conditions, given the existence of chemical, biological, and nuclear weapons programs and arsenals in the region. Israel will not implement all necessary arms control and disarmament measures before a real peace is achieved and threats to its existence disappear. Egypt, Iran, and Syria—the main holdouts—demand changes in Israel's nuclear status and policies toward the Palestinians before they will undertake far-reaching disarmament. This may seem unattainable, but not long ago Iraq and Libya were two major proliferation concerns; today they are not. To pursue a zone free of nuclear, chemical, and biological weapons in the Middle East, leading parties in the UN Security Council and the NPT review process should offer their good offices and commitments to provide economic and security assurances as necessary to facilitate the process. The IAEA and the strengthened Resolution 1540 monitoring committee recommended earlier also could provide information that would build confidence.

Certain threshold conditions must be met for any progress to be made. All regional states and parties must recognize the existence and right to security of all other regional states and parties, and act accordingly. This means that all the Arab states, Iran, and

various armed substate groups must avowedly recognize Israel's right to exist, and Israel must meaningfully recognize the right of existence, the statehood, and the security requirements of the Palestinians.<sup>108</sup> Negotiations must include all states in the region that possess relevant weapons programs and technical capabilities. Terrorism must also be on the table, since support for terrorism or other forms of violence challenging the existence of others is an existential threat, making it unlikely that threatened actors or their protectors will relinquish means of deterring such threats.

Preliminary to negotiations, friendly states and NGOs should conduct studies and dialogues exploring key material conditions that would have to be met to establish a zone verifiably free from nuclear, chemical, and biological weapons. To accomplish this, the steps described below appear indispensable.

First, to persuade all parties that relinquishing all of their strategic weapons would not undermine their security, each must be highly confident that the others are fulfilling their commitments. This, in turn, requires robust verification procedures and practices (as indicated in the call for white papers; see chapter 5, under "Disarmament"). Technical expertise is necessary to design such procedures and practices. Nonofficial dialogues or joint projects by regional and international verification experts could be initiated to design verification mechanisms and to educate regional governments about undertakings they would eventually have to make in this regard. This would be an extremely difficult process, given the complexities and sensitivities involved. Anyone serious about the objective should commit human and diplomatic resources now to begin designing verification mechanisms.

Sufficient verification, in turn, will require high levels of transparency in national policies, budgets, and facilities. Informal

dialogues on security issues among well-briefed officials and nongovernmental experts from the region could build confidence that the required transparency can be effected.

Regional actors may also gain additional confidence if major outside powers provide independent intelligence to help verify that parties are fulfilling their pledges. Current and former officials from the P-5 could be encouraged to meet with regional actors to establish technical groups that could work in parallel as and when official negotiations on a zone free of nuclear, chemical, and biological weapons begin.

To impart momentum to this process, Israel, as the only state in the region with nuclear weapon capability, should offer several sequential initiatives. First and foremost, Israel must continue its declaratory policies that de-emphasize nuclear weapons in national politics and international diplomacy, and reinforce the goal of creating a zone free of nuclear, chemical, and biological weapons in the Middle East. Yet to augment disarmament momentum generated in Iraq and Libya, Israel should ratify the Chemical Weapons Convention it signed earlier and join the Biological Weapons Convention. Israel should also make its neighbors, particularly Syria and Egypt, aware that were they to sign and implement these two conventions, and were Iran to permanently forgo acquisition of capabilities to enrich uranium and separate plutonium, Israel would undertake an indefinite moratorium on producing plutonium and cease separation of plutonium from spent fuel. The means to verify such a moratorium should be explored through the expert dialogue suggested above.

The United States, Egypt, Jordan, Israel, and other key states should begin to explore how all or some of the proposals made here could be used to reinforce forward movement in a revived

**Table 6.1. Suspected Weapons or Programs in the Middle East**

COUNTRY	NUCLEAR	BIOLOGICAL	CHEMICAL	MISSILE DELIVERY SYSTEMS
Israel	~ 100 suspected weapons <sup>a</sup>	Suspected program	Suspected weapons <sup>b</sup>	Nuclear-capable SRBMs and MRBMs
Iran	Suspected program	Suspected program	Suspected weapons <sup>c</sup>	SRBMs (Scud-B and -C), probable MRBM capability
Syria	—	Suspected program	Suspected weapons <sup>d</sup>	SRBMs (Scud-B and C, SS-21)
Egypt	—	Suspected program	Suspected weapons	SRBMs
Saudi Arabia	—	—	—	MRBMs, 30 Chinese IRBMs (CSS-2s)
Iraq	Dismantled program	Dismantled program	Dismantled program	SRBMs
Libya	Renounced program	—	—	SRBMs (Scud-B)
All others <sup>e</sup>	—	—	—	SRBMs

Notes: SRBM, short-range ballistic missile. MRBM, medium-range ballistic missile. IRBM, intermediate-range ballistic missile.

- a Israel is the only nation in the Middle East with nuclear weapons. David Albright and Kevin O'Neill, eds., *The Challenges of Fissile Material Control* (Washington, D.C.: Institute for Science and International Security, 1999), available at [www.isis-online.org/mapproject/israel.html](http://www.isis-online.org/mapproject/israel.html) (accessed May 3, 2004).
- b See Avner Cohen, "Israel and CBW: History, Deterrence, and Arms Control," *Nonproliferation Review* (Fall/Winter 2001): pp. 27–53, available at [www.bsos.umd.edu/pgsd/people/staffpubs/Avner-CBWart.pdf](http://www.bsos.umd.edu/pgsd/people/staffpubs/Avner-CBWart.pdf) (accessed May 6, 2004).
- c See Director of Central Intelligence, *Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions 1 January through 30 June 2003*, November 2003, available at [www.cia.gov/cia/reports/721\\_reports/jan\\_jun2003.htm#iran](http://www.cia.gov/cia/reports/721_reports/jan_jun2003.htm#iran) (accessed May 3, 2004) (hereafter referred to as January–June 2003 CIA WMD report).
- d January–June 2003 CIA WMD report.
- e Includes Bahrain, Jordan, Lebanon, Oman, Qatar, Sudan, the United Arab Emirates, and Yemen.

Palestinian-Arab-Israeli peace process. What should not be delayed is public acknowledgment by the United States that Israel's nuclear status is a central issue that must be addressed, within the context of a revived regional security initiative.

## **SUMMARY OF POLICY RECOMMENDATIONS**

- ▶ Muster greater U.S. involvement in the Middle East peace process. (p. 178)
- ▶ Proactively call for a regional dialogue to specify conditions necessary to achieve a zone free of nuclear, chemical, and biological weapons. (p. 181)
- ▶ Establish threshold conditions for serious progress. All states and parties must recognize Israel's right to security and the right of Palestinians to a secure state. (p. 181)
- ▶ Provide external leadership by outside actors to facilitate and complement direct negotiation of confidence-building and arms control measures by regional actors:
  - Encourage friendly states and NGOs to conduct studies and dialogues exploring key conditions that would have to be met for a zone free of nuclear, chemical, and biological weapons to be implemented. (p. 182)
  - Design the verification procedures and practices that would have to be implemented to achieve a zone free of nuclear, chemical, and biological weapons in the Middle East. (p. 182)
  - Provide independent intelligence from outside states and international agencies to help verify that parties are fulfilling their pledges. (p. 183)

- Push for high levels of transparency in national policies, budgets, and facilities. (p. 182)
- ▶ Encourage Israel to sign and ratify both the Chemical Weapons Convention and the Biological Weapons Convention, Egypt and Syria to sign and ratify the Chemical Weapons Convention and ratify the Biological Weapons Convention, Iraq and Lebanon to sign and ratify the Chemical Weapons Convention, and the United Arab Emirates to ratify the Biological Weapons Convention. (p. 183)
- ▶ Encourage Israel to declare that it has adopted an indefinite moratorium on producing plutonium and ceased the separation of plutonium from spent fuel. (p. 183)

## North Korea and Northeast Asia

North Korea (formally, the Democratic People's Republic of Korea, or DPRK) has an active nuclear weapons program and likely possesses enough nuclear material for up to nine nuclear weapons. U.S. troops, allies in the region, and strategic interests are directly threatened by North Korea's growing nuclear capability, pursued in violation of Pyongyang's commitments under the Non-Proliferation Treaty and other agreements. Acceptance of a North Korean nuclear weapons capability is inconsistent with vital U.S. national security interests. Given North Korea's economic strains, it is conceivable that Pyongyang might sell nuclear materials or weapons to other states or terrorist groups, taking a regional threat to the global level. In such a scenario, U.S. policy makers could face the truly appalling choice between acquiescing in North Korea's transfer of its weapons technology or fighting a full-fledged war on the Korean peninsula.

Even if North Korea does not make nuclear exports, its nuclear status is untenable. A failure to resolve the North Korean nuclear threat would undermine the cause of nuclear nonproliferation and make it far more likely that South Korea and Japan would reconsider their own nuclear status.

The United States and its partners in dialogue with North Korea must move more aggressively to determine whether and under what conditions North Korea is willing to relinquish its nuclear capabilities. Finding Pyongyang's bottom line will allow the United States and its allies either to negotiate a verifiable end to North Korea's nuclear program or to build a consensus on responding to the threat posed by North Korea's suspected nuclear weapons. The status quo is rapidly becoming a permanent crisis that threatens to undermine U.S. influence in the region and weaken the regional commitment to nonproliferation.

The creation of a six-party negotiating mechanism in 2003 was a positive development, but it has not yet produced tangible results. While the talks have enabled the United States to more closely engage China on the issue of North Korea's nuclear future, it remains unclear how far Beijing can or is willing to go in pressuring North Korea to abandon its program. China may not have an interest in a nuclear North Korea on its border, but it is also averse to regime collapse or a war between the United States and North Korea that could result in U.S. troops being placed on the Chinese border. All in all, China may find the status quo tolerable, and the United States cannot assume that China will be able or willing to deliver North Korea's consent or compliance with a denuclearization agreement. Moreover, some in China may prefer keeping the North Korean nuclear issue—a threat to U.S. interests—alive as a counterweight to U.S. interests in Taiwan, an overriding Chinese concern.

A U.S. policy designed to achieve positive results in East Asia must follow a new course. First, it is essential that the United States and its allies develop an international consensus through the UN Security Council that North Korea's actions are a threat to international peace and security and that North Korea's attempt to withdraw from an agreement it has violated is unacceptable. Once this is done, it may prove more feasible for the United States to test the will of North Korea to fully, verifiably, and irreversibly dismantle all its nuclear weapon capabilities in exchange for a fundamentally different relationship with the United States, including diplomatic relations and peaceful reconstruction assistance. This will involve real negotiations with North Korea, although these could take place in the broad context of the six-party talks.

Regardless of the forum, the United States should pursue rapid and ongoing negotiations with North Korea led by a presidentially appointed envoy. This person must be fully committed to the negotiations, prepared and empowered to make serious progress, and meet with North Korean counterparts of sufficient rank to make progress. However, for any talks—bilateral or six-party—to succeed, the United States must also work steadily to enhance its alliances with South Korea and Japan so as to broaden support for U.S. security objectives in the region, including the absence of nuclear weapons.

At the same time, the United States must prepare itself and its closest allies for the possibility that North Korea will not abandon its nuclear capabilities. Preparations can best be made by reinforcing diplomatic and military capabilities in the region to enhance deterrence and stability on the Korean peninsula and reduce incentives for other countries to follow North Korea's

nuclear lead. A key part of avoiding a crisis during this period, however, is for the United States to lay down clear “red lines” and make clear *at a minimum* that any attempt by North Korea to export nuclear materials or weapons will be considered a threat to international peace and security.

The regional security consequences of an ongoing North Korean nuclear weapon capability are dire. So too are the implications of allowing North Korea’s violations of the international treaty regime to go unpunished. By violating and then attempting to withdraw from the NPT, North Korea has undermined the fundamental premise of the regime—that the international community is prepared to hold countries to their commitments. In keeping with the UN Security Council’s presidential statement of January 1992, which declared the proliferation of nuclear weapons a threat to international peace and security, Security Council members have a responsibility to respond to North Korea’s actions. Yet even now, the Security Council has yet to respond to North Korea’s violations and withdrawal as reported to the council by the IAEA. If a negotiated settlement cannot be reached after a determined good-faith effort, then the United States must work with its allies to obtain a Security Council resolution that North Korea’s violations are a threat to international peace and security and that its withdrawal from the NPT was invalid. The United States must then prepare for the consequences, including the possibility of sanctions, an embargo, and even military conflict.

## **SUMMARY OF POLICY RECOMMENDATIONS**

- ▶ Determine whether and under what conditions North Korea is willing to relinquish its nuclear capabilities. (p. 187)

- ▶ Develop an international consensus through the UN Security Council that North Korea's actions are a threat to international peace and security and that North Korea's attempt to withdraw from an agreement it has violated is unacceptable. (p. 188)
- ▶ Fully test the will of North Korea to verifiably implement the irreversible dismantlement of all nuclear weapon capabilities in exchange for a fundamentally different relationship with the United States and other countries, including diplomatic relations and reconstruction assistance. (p. 188)
- ▶ Further enhance U.S. alliances with South Korea and Japan to broaden support for U.S. security objectives in the region, including the absence of nuclear weapons. (p. 188)
- ▶ End the state of permanent crisis by pursuing rapid and ongoing negotiations with North Korea led by a presidentially appointed envoy. This person must be fully authorized to negotiate, prepared and empowered to make serious progress, and in a position to meet with North Korean counterparts of sufficient rank to conduct substantive negotiations. (p. 188)
- ▶ Prepare for the possibility that North Korea is unwilling to abandon its nuclear capabilities by reinforcing the diplomatic and military capabilities in the region with a view to enhancing deterrence and stability on the Korean peninsula and reducing incentives for other countries to follow North Korea's nuclear lead. (p. 188)
- ▶ Make clear that any attempt by North Korea to export weapon-usable nuclear materials or weapons will be considered a threat to international peace and security as defined by the UN Charter. (p. 189)



*Summary of Policy Recommendations*

## **Chapter Three: Strengthening Enforcement**

### **NEW INTERNATIONAL LAW**

- ▶ Develop model national laws to criminalize, deter, and detect nuclear proliferation pursuant to UN Security Council Resolution 1540. (p. 53)
- ▶ Develop universal international law to criminalize nuclear weapon and material proliferation and facilitate prosecution of states and nonstate actors. (p. 54)
- ▶ Develop a declaration system or reporting requirement to distinguish between legal and illegal nuclear trade. (p. 55)
- ▶ Encourage the IAEA to adopt rules restricting nuclear assistance to states not in full compliance with NPT obligations. (p. 55)
- ▶ Adopt resolutions through the UN Security Council to hold states that withdraw from the NPT responsible for violations of the treaty, and prohibit their continued use of materials and facilities acquired while party to it. (p. 56)
- ▶ Pursue voluntary codes of conduct and related measures with investment, banking, and manufacturing firms to discourage and prevent nuclear trafficking. (p. 57)
- ▶ Undertake a comprehensive review of how existing maritime and customs control measures could contribute to new, tougher enforcement activities under the PSI. (p. 62)

### **TOUGH DIPLOMACY: A REVIVED UN SECURITY COUNCIL**

- ▶ Convene a P-5 summit to specify national commitments needed to strengthen nonproliferation mechanisms and laws. (p. 65)

- ▶ Strengthen the monitoring committee established for UN Security Council Resolution 1540 to collect and evaluate state reports documenting implementation of nonproliferation laws. (p. 65)

### **INSPECTIONS THAT WORK**

- ▶ Urge the UN secretary-general to charter a review of the performance of its two Iraq-focused commissions, UNSCOM and UNMOVIC. (p. 67)
- ▶ If the findings of this review warrant, urge the UN Security Council to consider establishing a permanent international nonproliferation inspection capability for chemical and biological weapons and delivery systems. (p. 67)
- ▶ Use all venues to advocate adoption of the IAEA's Additional Protocol by all states. (p. 66)
- ▶ Work to provide international inspection regimes with a strong international mandate, sufficient budgets and resources, and international consensus on robust consequences in the event of noncompliance. (p. 69)

### **THE USE OF FORCE: COUNTERPROLIFERATION AND PREEMPTION**

- ▶ Enhance and broaden counterproliferation strategy beyond purely military responses to encompass the capabilities most likely to deter and defend against the use of nuclear, biological, and chemical weapons. (p. 71)
- ▶ Restructure missile defense research and subject all antimissile systems to realistic testing. (p. 72)

- ▶ Develop international guidelines for preventive military action in the absence of imminent threat. (p. 75)

## **Chapter Four: Blocking Supply**

### **SECURING THE NUCLEAR COMPLEX**

- ▶ Create a high-level “Contact Group to Prevent Nuclear Terrorism” to lead efforts to improve the security of all weapon-usable nuclear materials. (p. 87)
- ▶ Establish an effective global standard of protection for all weapon-usable fissile materials and create international obligations to protect these materials. (p. 88)
- ▶ Expand and enhance the G-8 Global Partnership program to improve nuclear security assessments, upgrades, and material relocation. (p. 89)
- ▶ Accelerate and increase funding for the Global Threat Reduction Initiative to secure and relocate vulnerable nuclear materials worldwide within four years. (p. 89)
- ▶ Seek an internationally endorsed ban on production of HEU and a decades-long moratorium on the separation of additional weapon-usable plutonium. Aggressively pursue proliferation-resistant fuel cycle concepts that avoid plutonium separation (p. 91)
- ▶ Provide guaranteed, economically attractive fuel services to states that do not enrich uranium or reprocess plutonium, and consider ways to place existing facilities under new institutional controls. (p. 94)
- ▶ Reevaluate and re-prioritize the U.S.-Russian plutonium disposal program, with a renewed emphasis on securing plutonium under international monitoring. (p. 107)

- ▶ Develop a global nuclear accounting and transparency system. (p. 108)

### **THREAT REDUCTION**

- ▶ Develop a strategy to extend threat reduction cooperation to new countries and regions, building on experience in Russia and the former Soviet republics. (pp. 112–113)
- ▶ Expand the number of target countries and partners participating in the G-8 Global Partnership program. (p. 112)
- ▶ Engage President Bush and his Russian counterpart, Vladimir Putin, to establish cooperation as a top policy priority and resolve stumbling blocks to implementation. (p. 114)
- ▶ Launch a fast-paced initiative, in partnership with Russia, to fully protect Russian nuclear weapon–usable material by 2008. (p. 115)
- ▶ Establish a senior coordinator, or focused coordination team, within the White House with a mandate to oversee, prioritize, and expedite threat reduction programs. (p. 114)

### **STOPPING TRANSFERS: EXPORT CONTROLS AND INTERDICTION**

- ▶ Expand membership in and compliance with export control regimes to all states with relevant capabilities. (p. 117)
- ▶ Expand export control assistance to emerging supplier states and key transit states. (p. 121)
- ▶ Reform existing export control regime operations by requiring notices of all sensitive exports, moving away from consensus rule making, establishing cooperative reviews of export control

implementation, and considering penalties within export control systems for noncompliance. (pp. 119–120)

- ▶ Make the IAEA Additional Protocol a condition of supply for all Nuclear Supplier Group transfers. (p. 120)
- ▶ Pass a new and strengthened U.S. Export Administration Act. (p. 121)
- ▶ Establish an international code of compliance for exporters of sensitive materials and technologies. (p. 121)
- ▶ Expand the scope of the PSI to cover shipments through international waters and airspace. (p. 124)
- ▶ Ground the PSI in international law by means of a UN Security Council Resolution. (p. 124)

## **Chapter Five: Abating Demand**

### **LOCK IN SUCCESSES**

- ▶ Reward states that contribute to nonproliferation with economic, political, and other inducements. (p. 129)
- ▶ Facilitate development and funding of substitute energy technologies and proliferation-resistant nuclear reactors. (p. 129)
- ▶ Devalue the security and political status associated with nuclear weapons by, among other things, breaking the correlation between nuclear weapon possession and veto power in the UN Security Council. (p. 130)

## CONFLICT RESOLUTION

- ▶ Raise global political demands that states that possess nuclear weapons must exert greater leadership to moderate and resolve regional conflicts that drive proliferation and possible use of nuclear weapons. (Specific obligations of the United States, Israel, India, Pakistan, and other states with nuclear weapons are discussed throughout this report, particularly in chapter 2, under obligation 6, and in chapter 6.) (p. 132)

## U.S. NUCLEAR POLICY AND ARMS REDUCTION

- ▶ The objectives of preventing the spread and use of nuclear weapons should now drive U.S. nuclear policy. (p. 133)
- ▶ While nuclear threats remain in the world, the United States must maintain an effective nuclear deterrent. (p. 133)
- ▶ The role of nuclear weapons in national security policy should be de-emphasized, and the norm against the use of these weapons should be strengthened. (p. 137)
- ▶ The United States should halt research into and development of new nuclear weapons, pursue ratification of the Comprehensive Test Ban Treaty and continue a moratorium on testing in the meantime, and continue to develop non-nuclear strike assets. (pp. 134–137)
- ▶ The United States and Russia should reduce nuclear risks by standing down from hair-trigger postures and by ending preemptive strategies and the forward deployment of weapons. (p. 139)

- ▶ The United States should work with Russia and other countries to restore the momentum toward verifiably and irreversibly reducing nuclear weapons and materials. (p. 147)

## **DISARMAMENT**

- ▶ Reaffirm and act to implement the thirteen steps agreed to in 2000, or negotiate and implement similar disarmament steps. (p. 150)
- ▶ To demonstrate commitment to disarmament, the nuclear weapons states and states with stocks of fissile materials should publish white papers detailing how they could dismantle their nuclear arsenals or account for and securely store all their fissile materials in a verifiable manner as would be required in a world without nuclear weapons. These papers should be discussed and debated in an appropriate international forum. (p. 154)

## **Chapter Six: Applying the Strategy to Regional Crises**

### **PAKISTAN-INDIA-CHINA**

- ▶ Lead an initiative to ensure that Pakistan and India employ state-of-the-art practices and technologies to secure nuclear facilities, material, and know-how. (p. 160)
- ▶ Encourage Pakistan and India to negotiate and properly implement nuclear risk reduction practices. (p. 161)
- ▶ Encourage India and Pakistan to cease uranium enrichment and plutonium separation, in return for ending international restrictions on nuclear technology and fuel service cooperation. (p. 162)

- ▶ Encourage India and Pakistan to accept a permanent cease-fire across the Line of Control between India and Pakistan. (p. 163)
- ▶ Strengthen civilian political parties and institutions in Pakistan. (p. 164)
- ▶ Promote stable conventional force balances and security relationships among Pakistan, India, and China. Do not provide U.S. weaponry capable of delivering nuclear weapons, such as fighter-bomber aircraft, or of destabilizing the strategic balance, such as ballistic missile defenses, unless and until India and Pakistan have stabilized their relationship so that new strategic capabilities would only be seen to serve defensive, not offensive, purposes. (pp. 165–166)
- ▶ Extend international cooperation to India and Pakistan (and Israel) to upgrade the safety of reparable existing nuclear plants, if and when all civilian nuclear facilities are placed under safeguards. (p. 167)
- ▶ Resist Indian demands to waive or amend nonproliferation prohibitions against nuclear technology commerce for new reactors, in the absence of support from key non-nuclear weapon states. (p. 167)

## IRAN

- ▶ Actively support France, Germany, and the United Kingdom in their efforts to negotiate long-term arrangements with Iran that objectively guarantee that its nuclear program is exclusively for peaceful purposes. (p. 170)

- ▶ Communicate to the current Iranian government that the United States will not pursue regime change through military action if Tehran verifiably forswears acquisition of capabilities to produce materials that can be used in nuclear weapons and ends its support of groups that conduct terrorism. (p. 172)
- ▶ Support nuclear negotiations, including positive incentives to the Iranian government and people, while concurrently championing political reform in Iran. (p. 172)
- ▶ Establish a security dialogue among Persian Gulf states, including representatives of Iran and Iraq. (p. 173)
- ▶ Strengthen intelligence efforts to identify all Iranian nuclear activities and facilities and to work through the PSI to interdict illicit transfers of technology, material, or know-how. (p. 174)
- ▶ Urge the UN Security Council to consider a positive resolution endorsing the terms of a deal worked out by the EU and Iran that objectively guarantees that Iran's nuclear program is exclusively for peaceful purposes. (p. 174)
- ▶ Clarify through the IAEA and the NPT Review Process that all states should suspend nuclear cooperation with any state for which the IAEA cannot provide sufficient assurances regarding the peaceful nature of that state's nuclear program. (p. 175)
- ▶ Move a UN Security Council resolution to make clear that any state that withdraws from the NPT remains responsible for violations committed while it was still a party to the treaty. (p. 175)
- ▶ Move a UN Security Council resolution that a state that withdraws from the treaty—whether or not it has violated it—may

no longer make use of nuclear materials, facilities, equipment, or technology acquired from another country before its withdrawal. (p. 175)

- ▶ Establish a Nuclear Suppliers Group rule that all purveyors of nuclear technology must require contracts that specify that if a state receiving such technology withdraws from the NPT, the provided nuclear supplies may not be used or transferred. (pp. 175–176)

## MIDDLE EAST

- ▶ Muster greater U.S. involvement in the Middle East peace process. (p. 178)
- ▶ Proactively call for a regional dialogue to specify conditions necessary to achieve a zone free of nuclear, chemical, and biological weapons. (p. 181)
- ▶ Establish threshold conditions for serious progress. All states and parties must recognize Israel's right to security and the right of Palestinians to a secure state. (p. 181)
- ▶ Provide external leadership by outside actors to facilitate and complement direct negotiation of confidence-building and arms control measures by regional actors:
  - Encourage friendly states and NGOs to conduct studies and dialogues exploring key conditions that would have to be met for a zone free of nuclear, chemical, and biological weapons to be implemented. (p. 182)
  - Design the verification procedures and practices that would have to be implemented to achieve a zone free of nuclear,

chemical, and biological weapons in the Middle East. (p. 182)

- Provide independent intelligence from outside states and international agencies to help verify that parties are fulfilling their pledges. (p. 183)
- Push for high levels of transparency in national policies, budgets, and facilities. (p. 182)
- ▶ Encourage Israel to sign and ratify both the Chemical Weapons Convention and the Biological Weapons Convention, Egypt and Syria to sign and ratify the Chemical Weapons Convention and ratify the Biological Weapons Convention, Iraq and Lebanon to sign and ratify the Chemical Weapons Convention, and the United Arab Emirates to ratify the Biological Weapons Convention. (p. 183)
- ▶ Encourage Israel to declare that it has adopted an indefinite moratorium on producing plutonium and ceased the separation of plutonium from spent fuel. (p. 183)

## **NORTH KOREA AND NORTHEAST ASIA**

- ▶ Determine whether and under what conditions North Korea is willing to relinquish its nuclear capabilities. (p. 187)
- ▶ Develop an international consensus through the UN Security Council that North Korea's actions are a threat to international peace and security and that North Korea's attempt to withdraw from an agreement it has violated is unacceptable. (p. 188)
- ▶ Fully test the will of North Korea to verifiably implement the irreversible dismantlement of all nuclear weapon capabilities in

exchange for a fundamentally different relationship with the United States and other countries, including diplomatic relations and reconstruction assistance. (p. 188)

- ▶ Further enhance U.S. alliances with South Korea and Japan to broaden support for U.S. security objectives in the region, including the absence of nuclear weapons. (p. 188)
- ▶ End the state of permanent crisis by pursuing rapid and ongoing negotiations with North Korea led by a presidentially appointed envoy. This person must be fully authorized to negotiate, prepared and empowered to make serious progress, and in a position to meet with North Korean counterparts of sufficient rank to conduct substantive negotiations. (p. 188)
- ▶ Prepare for the possibility that North Korea is unwilling to abandon its nuclear capabilities by reinforcing the diplomatic and military capabilities in the region with a view to enhancing deterrence and stability on the Korean peninsula and reducing incentives for other countries to follow North Korea's nuclear lead. (p. 188)
- ▶ Make clear that any attempt by North Korea to export weapon-usable nuclear materials or weapons will be considered a threat to international peace and security as defined by the UN Charter. (p. 189)





*Toward Universal Compliance:  
A 2007 Report Card*

## *Toward Universal Compliance: A 2007 Report Card*

In March 2005, we argued that a strategy based on the principle of *universal compliance* offers the only way to secure the world against the spread and use of nuclear weapons. Central to this strategy is the argument that “the nuclear weapon states must show that tougher nonproliferation rules not only benefit the powerful but constrain them as well. Nonproliferation is a set of bargains whose fairness must be self-evident if the majority of countries is to support their enforcement.... The only way to achieve this is to enforce compliance universally, not selectively, including the obligations the nuclear states have taken on themselves.”

Events of the past two years have deepened this conviction. Terrorists and hostile regimes attempting to acquire or use nuclear weapons can be stopped only by coordinated international efforts to strengthen and enforce rules. To obtain this cooperation, the states that hold nuclear weapons for status and security must provide much greater equity to those that do not.

This strategic imperative is difficult for the United States, Russia, France, the United Kingdom, China, India, Pakistan, and Israel to accept, but they will face a much more dangerous world if they do not. If their intentions are not clearly to seek a world without nuclear weapons, a number of other states will seek equity through proliferation, while a greater number will look the other way, thinking that the original nuclear weapon states deserve the competition.

This “Report Card” analyzes how the priority policy recommendations we made in 2005 have fared. What have governments

done since then? What issues have been neglected, and to what effect? What, if any, recommendations would we change today?

Our recommendations for action were grouped under the headings of six broad obligations with which all actors should comply to create an effective nonproliferation regime. We have assigned a letter grade to each obligation, marking global progress and effort from 2005 through mid-2007. The United States has strongly affected the outcomes on which these grades are based because it is the most powerful actor in the international system and the historic leader of the nonproliferation regime. Yet the United States alone cannot adopt and implement most of the policies we recommend, and certainly cannot determine real-world outcomes without the active cooperation of many other states and institutions. Responsibility for the rather dismal performance reported here is therefore widely shared.

**OBLIGATION ONE: Make Nonproliferation Irreversible.** Revise the rules managing the production of fissile materials; clarify and tighten the terms by which states can withdraw from the NPT.

### GRADE: D

*“The acquisition of uranium enrichment and reprocessing plants by additional states should be precluded. In return, the United States and other states that currently possess such facilities must provide internationally guaranteed, economically attractive supplies of the fuel and services necessary to meet nuclear energy demands.”*

Leading nuclear technology providers, the International

Atomic Energy Agency (IAEA), and other actors have discussed these objectives extensively since the end of 2004. However, little progress has been made. The discussion itself may have prompted Argentina, Australia, Brazil, Canada, and South Africa to seek to enter the enrichment business before an international consensus could be created to bar new entries.

A major tension bedevils efforts to alter nuclear fuel production norms and rules. For the sake of global security, it would be best to have binding rules prohibiting the spread of national fissile material production facilities. In February 2004, President George W. Bush proposed a moratorium on building enrichment and reprocessing facilities in states that did not already have them. That proposal met widespread resistance. France proposed an alternative within the Nuclear Suppliers Group (NSG) to condition the potential provision of enrichment, reprocessing, and heavy water technology on criteria including membership in and full compliance with the NPT, implementation of the Additional Protocol, and assessments that such activities were economically justified and would not cause regional insecurity. The United States rejects this criteria-based approach, as others probably would if the proposal were more energetically advanced today.

Non-nuclear weapon states such as Australia, Argentina, Brazil, Canada, and South Africa do not want to get shut out of an enrichment market that will grow if nuclear energy enjoys a renaissance. Other states resent being denied access to additional nuclear technologies when they feel that they have not benefited from nuclear cooperation as it is, and the nuclear weapon states have not delivered on the original disarmament bargain.

The United States and other countries have fallen back to a voluntary approach, premised on the argument that the market

for nuclear fuel supplies has always worked well for states that fulfill their NPT obligations. To bolster confidence in the market, new proposals are being offered to back up existing arrangements with terms so reassuring that countries will choose not to undertake the expense of indigenous enrichment and reprocessing. The gentle, modest spirit of this voluntary approach is widely welcomed. But it would likely attract the states that do not pose a security threat in any case, while those interested in enriching uranium for export or in hedging or breaking their nonproliferation commitments would choose to ignore them.

Perhaps in principle everyone has their price, and if the United States and other potential fuel-service providers offered fuel and spent-fuel services at low enough prices and high enough reliability levels, all potential hedgers would recommit themselves to eschew enrichment and reprocessing. And if prices were low enough and spent-fuel services attractive enough, perhaps the international community would agree that any state that launched development of indigenous fissile material production capabilities instead of relying on international fuel services would be casting a shadow of doubt over the peacefulness of its nuclear program. But realistically, as long as there was no rule being violated, the international community would merely watch and wait until the state broke an established rule, probably at a stage much closer to the acquisition of nuclear weapons.

In any case, fuel suppliers have not yet offered anything remotely attractive enough to overcome resistance to a perceived new layer of discrimination in the nonproliferation regime. Suppliers now emphasize market mechanisms and multi-tiered “assurances” so that potential purchasers would have backups and reserves in the event one source was cut off. However, some developing countries

fear that current nuclear suppliers, led by the Permanent Five (P-5), could interrupt supplies in order to punish alleged transgressions not only in the nuclear proliferation domain but in human rights or other areas. “Guarantees” will never be ironclad, but the refusal of the United States and others to offer more than improved market mechanisms will not persuade many states to limit their “rights” to fuel cycle activities.

One offer that could make a real difference would be to guarantee the taking back of spent nuclear fuel. States seeking to build new reactors would be spared the enormous costs, environmental concerns, and political hassles of dealing with nuclear waste. The prospect of escaping from the waste problem could be attractive enough to motivate many states to agree to new international rules limiting the spread of enrichment and reprocessing facilities. At the moment, Russia is the only state that has expressed interest in providing this take-back service. More recently, it has wavered on the matter. A major priority therefore must be to clarify Russia’s plans and to persuade others, including the United States, to take the overall problem seriously enough to overcome domestic political resistance to taking back spent fuel.

The U.S. Global Nuclear Energy Partnership (GNEP) program announced in 2006 sends mixed signals regarding the acceptance of spent fuel. GNEP envisions providing “cradle to grave” fuel services for states that agree not to acquire their own enrichment and reprocessing capabilities, but does not detail how it would accomplish that. GNEP would revive reprocessing in the United States for domestic and, possibly, foreign spent fuel. It would assign responsibility to fuel suppliers to dispose of spent fuel so that “the material is secured, safeguarded, and disposed of in a manner that meets shared nonproliferation policies.” What that vague phrase means, and whether its terms would condition

nuclear activities in any binding way, are hugely important questions that are unanswered so far.

There is a paradox here. Citizens can be frightened or angered by images of importing other people's nuclear waste. This fear might be obviated by offering as-yet-unproven technologies for reprocessing spent fuel in ways that will result in the hazards from the remaining waste lasting hundreds rather than thousands of years. Yet without a global rule prohibiting the spread of enrichment and reprocessing activities, how will citizens assess the obvious costs against the uncertain nonproliferation benefits? If the system is voluntary, then the benefits of importing spent fuel, most likely from "good guy" states, will not be very great if the "bad guys" are free to enrich and reprocess. Relying merely on a voluntary enticement package increases the risk that the United States would stimulate a renaissance of reprocessing without getting the advertised nonproliferation benefits.

A less controversial innovation than GNEP is the nuclear fuel bank being created by a private organization, the Nuclear Threat Initiative, and the IAEA. Starting with funds from a generous grant from Warren Buffett, the Nuclear Threat Initiative would donate US\$50 million to the IAEA to procure low-enriched uranium (LEU), provided that member states committed at least an additional US\$100 million in cash or in kind for this purpose. This US\$150 million should provide sufficient means to accumulate enough LEU suitable for fabrication into fuel to make one full reactor core load. The IAEA would control the material, which would be located outside the six states that currently supply fuel. The banked material would be sold to any state whose fuel supply was interrupted for a reason other than noncompliance with its safeguard obligations. Freeing a fuel reserve from strings that the United States and other current suppliers might attach is meant

to address the concerns of states that have become skeptical of the reliability of international nuclear cooperation.

The IAEA is also exploring a more far-reaching approach. In 2005, an IAEA expert group issued a report, *Multilateral Approaches to the Nuclear Fuel Cycle* (available at [www.iaea.org/Publications/Documents/Infcircs/2005/infcirc640.pdf](http://www.iaea.org/Publications/Documents/Infcircs/2005/infcirc640.pdf)). Longer-term options discussed in this document included converting existing facilities to multilateral enterprises and establishing new regional or multinational facilities. While these ideas are not new, the current context of greater enthusiasm for nuclear energy may now prompt greater political will to undertake the required financial and legal actions.

Yet regional or other multilateral fuel cycle centers in a world where some states retain nuclear weapons raise questions about competition that states do not like to acknowledge publicly. Iran would probably volunteer to let enrichment-related facilities on its territory serve as a regional facility. But Egypt and Saudi Arabia already are alarmed by Iran's nuclear program and would not accept the idea of a regional facility on Iranian soil. Egypt might volunteer to host a center, but Saudi Arabia would counter that it should host the site. The same competitive considerations would arise in East Asia, South Asia, and North and South America. In reality, enrichment and reprocessing capabilities are not primarily commercial assets today. They are politically, strategically, and psychologically important as signifiers of power and technological prowess. This will remain true so long as serious efforts are not under way to devalue nuclear weapons.

*“States should agree to end the production of HEU [highly enriched uranium] and to adopt a temporary ‘pause’ in the separation of plutonium.”*

No positive action has been taken to pursue this objective. In fact, with respect to plutonium the trend is negative. The United States, Russia, France, Japan, and India display interest in continuing or expanding plutonium separation as part of their visions of the nuclear energy future. Although GNEP, as championed by the Bush administration, ultimately seeks to recycle spent fuel without separating plutonium, it would add great material and political impetus to reprocessing, breaking a decades-old U.S. policy of eschewing commercial reprocessing and preventing its spread internationally. France, Russia, and the United Kingdom applaud this shift and the contracts it may open to them.

***“The UN Security Council should pass a new resolution making a state that withdraws from the NPT responsible for violations committed while it was still a party to the treaty. States that withdraw from the treaty should be barred from legally using nuclear assets acquired internationally before their withdrawal.”***

No progress has been made on this objective.

Security Council members have found it so difficult to reach consensus on how to induce or compel Iran and North Korea to comply with Security Council resolutions that they have no drive and goodwill left for more proactive initiatives.

There is a risk today that states could edge up to acquiring nuclear weapon capabilities and then seek to withdraw from the NPT and quickly proceed to manufacture nuclear weapons. In *Universal Compliance*, we recommended that the Security Council take anticipatory action to dissuade states from taking this path. But in international politics, it is far easier to respond to crises than to prevent them.

Many states resist the notion of requiring *all* states that withdraw from the NPT to forfeit use of nuclear assets acquired internationally. Thus, France and Germany (on behalf of the European Union) tried to persuade NPT parties at the 2005 Review Conference to declare that the forfeiture penalty should apply to states found in *noncompliance* with safeguard obligations if they sought to withdraw from the treaty. (Enforcing such forfeiture would be problematic, but the legal basis would exist for holding a noncompliant state at risk of sanction or other measures if it did not comply.) Egypt, supported by Iran, vehemently objected. These and other non-nuclear weapon states oppose any tightening of rules that would affect non-nuclear weapon states without corresponding concessions by the nuclear weapon states in the area of disarmament or nuclear cooperation. Some went so far as to suggest that states with impeccable nonproliferation credentials might want to threaten to withdraw from the NPT to regain some of the leverage they lost over the nuclear weapon states when the treaty was indefinitely extended in 1995.

The goal of deterring withdrawal from the NPT by clarifying consequences should not be abandoned. There is no sound basis for objecting to a rule that *noncompliant* states must forfeit the use of nuclear assets acquired through international cooperation.

The deeper problem here is that the permanent members of the Security Council are not united in trying to enforce nonproliferation norms. Russia and China clearly do not want terrorists or additional states to acquire nuclear weapons. However, their trust in the judgment of the U.S. government in assessing threats and devising strategies has plummeted since the onset of the Iraq War.

Russia and China, as states trying to catch up to Western levels of wealth and power, prefer to avoid enforcement measures that entail lost economic and political opportunities. This is particularly true with respect to states that supply energy to China or that buy arms and other products from powerful Russian industries.

Therefore, Russia and China are more reluctant than the United States, France, and the United Kingdom to endorse either binding sanctions or military measures to enforce nonproliferation rules. Beijing and Moscow notice that when the United Nations and other multilateral bodies mobilize for sanctions or military intervention, it is often on behalf of norms established mostly by rich Western states.

***“All states should agree to suspend nuclear cooperation with countries that the IAEA cannot certify are in full compliance with their nonproliferation obligations.”***

A little progress has been made here. The NSG adopted new language in its guidelines in 2006, saying that, in principle, transfers of “trigger list” items—those with clear proliferation sensitivity—should be suspended in case a country is found in noncompliance with its safeguards obligations. However, the NSG does not include all potential suppliers of nuclear technology assistance, including Pakistan and India. Moreover, it operates by consensus and its decisions are not legally binding. In short, it experiences the basic tensions among the multiple, often competing interests of the P-5 states noted above, and it remains to be seen how and whether the new language in the NSG Guidelines will be enforced.

**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.

**GRADE: F**

The five recognized nuclear weapon states have sent unhelpful signals about the role of nuclear weapons in their security policies and in international politics.

A recent study sponsored by the U.S. Department of Defense found that policymakers and experts around the world believe that the United States is increasing its emphasis on nuclear weapons. Many think the United States has made a doctrinal shift from deterrence to nuclear warfighting and first use, and is blurring the line between nuclear and conventional weapons. This widespread perception is erroneous and unfair, but it impedes cooperation with the United States in strengthening nonproliferation rules.

In fact, the United States has reduced the role of nuclear weapons in its policies. With its tremendous advantage in conventional military capabilities, the United States would be best off in a world where no one had nuclear weapons. The commanders of U.S. strategic forces understand that nuclear warfare with other major nuclear powers (that is, Russia or China) is unlikely. The wars the United States is most likely to fight will be on a different scale and of a political nature that makes it extremely doubtful that nuclear weapons will be useful. Therefore, the U.S. Strategic Command steadily looks for conventional means to accomplish the objectives that civilian leaders require of it.

If a U.S. administration wanted to show the world that it is devaluing nuclear weapons, the basis for doing so exists. Former high-level U.S. officials George Shultz, Henry Kissinger, William Perry, and Sam Nunn pointed the way in a *Wall Street Journal* op-ed piece in which they called for the United States to work intensively with “leaders of the countries in possession of nuclear weapons to turn the goal of a world without nuclear weapons into a joint enterprise.” Nunn elaborated in congressional testimony: “We cannot defend America without taking [steps toward nuclear disarmament]; we cannot take these actions without the cooperation of other nations; we cannot get the cooperation of other nations without embracing the vision of a world free of nuclear weapons.” This strategy and attendant policies recommended by Nunn and his Republican and Democratic coauthors echo *Universal Compliance*.

The *Wall Street Journal* article by Nunn and colleagues elicited enthusiastic reactions in Europe, Egypt, India, and Japan, among other places. Tellingly, in the United States, individuals and groups that in decades past would have charged “softness” or worse were largely silent. The fact is, nuclear weapons have never been less useful to the United States. While American politicians have yet to realize this, the defense establishment already has.

Perhaps to balance the psychological effects of U.S. military predominance, Russia has raised the profile of nuclear weapons in its security policies and international politics. In its last full articulation of nuclear strategy, in 2000, Russia declared that it could conduct a limited nuclear war involving the use of strategic nuclear weapons. Russia plans to replace single warheads on Topol-M intercontinental ballistic missiles with multiple warheads. Officials have hinted at an intention to withdraw from the 1987 Intermediate-Range Nuclear Forces Treaty. The INF

Treaty, completed by Ronald Reagan and Mikhail Gorbachev, was the first to eliminate a whole class of nuclear weapons. Russian officials, including President Vladimir Putin, publicly hail new strategic nuclear missile systems as a measure of Russian power.

In a major speech in January 2006, French president Jacques Chirac called nuclear deterrence “fundamental” to France’s “independence and security ... Nuclear deterrence became the very image of what our country is capable of producing when it has set itself a task and holds to it.” France is “currently under no direct threat from a major power,” Chirac said, but the rise of terrorism, the prospect of future hostility “between the different poles of power,” and the “emerging assertions of power based on the possession of nuclear, biological, and chemical weapons” all warrant maintenance of the French nuclear deterrent. France also has interests away from its shores, and therefore, Chirac said, must “have a substantial capability to intervene outside our borders.” To reduce the risks and raise the credibility of such intervention, nuclear deterrence of counterattacks is vital, he implied. In sum, “nuclear deterrence remains the fundamental guarantee of our security.” If a country with France’s status and comparatively safe external security environment feels that it needs nuclear weapons to preserve its independence and security, could not many other states make an even stronger case for the necessity of a nuclear deterrent?

China’s 2006 annual defense white paper reaffirmed that its nuclear forces have “two missions: deterrence of a nuclear attack and nuclear retaliation.” Beijing continued to declare a no-first-use doctrine: “Additional missions for China’s nuclear forces include deterrence of conventional attacks against the Chinese

mainland, reinforcing China's great power status, and increasing its freedom of action by limiting the extent to which others can coerce China.”

The United Kingdom has done more than the other recognized nuclear weapon states to reduce the role of nuclear weapons in its security policy and international politics. Still, in December 2006, Prime Minister Tony Blair announced that his government would renew its Trident submarine-based nuclear deterrent. Blair said it was “improbable” that the United Kingdom would face nuclear threats in the future, “but no one can say it’s impossible.” He announced that it would be possible to cut Britain’s nuclear stockpile by a further 20 percent, leaving fewer than 160 operationally available warheads.

Thus, the five original nuclear weapon states seem to begin with the assumption that nuclear weapons are the answer, then struggle to say what the question is: “We have these weapons; it is unthinkable to give them up; therefore, how should we rationalize the ongoing value we attach to them?”

*“The United States, Russia, China, France, and the United Kingdom must disavow the development of any new types of nuclear weapons, reaffirm the current moratorium on nuclear weapon testing, and ratify the Comprehensive Test Ban Treaty.”*

The five nuclear weapon states recognized under the NPT have not disavowed development of new types of nuclear weapons. Nor have India and Pakistan. (Israel is silent on the matter, while North Korea has recommitted to eliminating its nuclear weapon capabilities.)

The Bush administration has flirted with researching and developing a new earth-penetrating warhead, but in the face of congressional resistance has switched to proposals to develop a new “reliable replacement warhead.” The idea is to reduce uncertainties over the future dependability of multiple types of warheads by developing a new design whose integrity could be maintained indefinitely without explosive testing.

If the United States proceeds with this replacement program in the current international environment, the effort will be misunderstood by U.S. allies, exploited by adversaries, and detrimental to efforts to prevent the spread and use of nuclear weapons. Congress should insist that a thorough reassessment of the role and purposes of nuclear weapons in the twenty-first century be undertaken *before* a decision is made on whether a new warhead is needed.

All states that possess nuclear weapons have committed to maintaining a de facto international moratorium on nuclear weapon testing. However, in regard to the Comprehensive Test Ban Treaty (CTBT), ratification has gone unsupported by the United States (or, more accurately, by the Republican Party, as Senate Democrats generally are nearly unanimous in favoring ratification). China has followed suit, along with India and Pakistan, which, unlike the United States, have not even signed the treaty. China does not object to ratifying the CTBT but is waiting for the United States to go first. Israel has signed the treaty and by some accounts has wanted to ratify it but has been discouraged from doing so by the Bush administration. Because the CTBT has always been the top indicator of the nuclear weapon states’ compliance with their disarmament obligations under Article VI

of the NPT, the ongoing refusal to allow the CTBT to take force is a clear breach of compliance with the basic bargain on which the nonproliferation regime is based.

*“Lengthen the time decision makers would have before deciding to launch nuclear weapons.”*

This policy recommendation principally pertains to the United States and Russia, the two states with enormous arsenals maintained on hair-trigger alert. Since 2005 they have done nothing to reduce the launch readiness of their deployed forces.

*“Make nuclear weapon reductions, such as those required under the Strategic Arms Reduction Treaty of 2002 (Treaty of Moscow), irreversible and verifiable.”*

The United States and Russia are also sliding backward on verifiable and irreversible reductions in strategic nuclear arms. In 2005, the Strategic Arms Reduction Treaty of 1992 (START I) remained in place, along with its extensive verification regime. This was the basis for our recommendation that the Treaty of Moscow be made more irreversible and verifiable. In 2006, Washington notified Moscow that it did not plan to extend START I beyond its expiration date at the end of 2009. Russian minister of foreign affairs Sergej Lavrov captured the problem succinctly when he said in February 2007 that the U.S. approach, in not seeking mutual restraints, “is dangerous because it carries the risk of generating the same old arms race, since neither of us is likely to want to lag behind too much.”

*“Produce a detailed road map of the technical and institutional steps [that states with nuclear weapons] would have to take to verifiably eliminate their nuclear arsenals.”*

Since March 2005, none of the five original nuclear weapon states have taken any initiative in the area of nuclear disarmament. At the 2005 conference to review the NPT, the United States, backed by France—without objection from China, Russia, and the United Kingdom—sought to rupture the connection between nonproliferation and disarmament and focus instead on measures to constrain activities of non-nuclear weapon states. In effect, the United States and France dismissed the political commitments the nuclear weapon states had made to the “Thirteen Steps,” which the 2000 Review Conference had established as benchmarks for compliance with Article VI.

Officials of the United States, France, Russia, and other countries with nuclear weapons argue privately that no causal connection exists between their disarmament policies and others’ proliferation decisions. They note that, in the 1990s, as the United States, Russia, France, and the United Kingdom reduced their nuclear forces significantly, North Korea, Iran, Libya, India, and Pakistan moved in the opposite direction. While this is true, it does not negate important connections between the postures of the nuclear weapon states and the actions of non-nuclear-weapon states.

Non-nuclear weapon states have at least latent interest in acquiring capabilities to deter the nuclear weapon states from threatening them. Moreover, if a country like France, facing no threat to its sovereignty and territorial integrity, insists that it must have nuclear weapons to deter any number of vague threats

against which France is unlikely to make nuclear responses, why could not the same “need” motivate others? And if the strongest state in the world—the United States—insists it needs nuclear weapons, then key actors in weaker states can readily cite this example to urge acquisition of these weapons, too.

Though the disarmament in the 1990s was laudable, to some non-nuclear weapon states in the developing world it was as if a slave owner decided to free 6,000 of his slaves but insisted on keeping 4,000 for another decade, and then some smaller number for the indefinite future. The slaveholder would want to be lauded for reducing his inventory, but those who believed that slavery was wrong, or that it gave the slaveholder a competitive advantage, would insist that getting to zero was what mattered. The metaphor is exaggerated, but it reflects how the current nuclear order is viewed by many non-nuclear weapon states.

This issue of equity plays out in practical ways, too. Many people in non-nuclear weapon states such as Iran, Egypt, South Africa, Brazil, and Germany care about equity in the nuclear order. They ask why they should support new nonproliferation rules involving limitations on technology acquisition, and enforce these rules through potentially costly sanctions or the potential use of force, if the states that claim status, power, and security from nuclear weapons show little real interest in trying to create an equitable world where no one has these weapons.

The February 2007 agreement between North Korea and its five interlocutors (in the six-party talks) could clarify the disarmament challenge more broadly. Many doubts remain that North Korea will ever be induced to verifiably eliminate all of its nuclear weapon capabilities. But if this objective were pursued in practice, important questions about standards and

procedures for verification, toleration of ambiguity in records and accounting of fissile materials, and other thorny issues would have to be resolved. This experience could inform consideration of the larger disarmament problem.

Indeed, seeing the disarmament challenge in regional as well as global terms is illuminating. India and Pakistan, with their history of enmity, opacity, and distrust, would have to elaborate conditions and procedures that would render them confident enough to dismantle their last weapon. The Middle East, with its multiple conflicts, is even more problematic, as states in that region possess not only nuclear weapons but also chemical and perhaps biological weapons. Nor do most of these states offer the levels of transparency and whistle-blower protection that would build the confidence of neighbors and the international community that cheating on disarmament agreements would be exposed in time for them to take countermeasures.

The point here is that the international community—principally the states possessing nuclear weapons—has not begun to explore issues relating to the disarmament challenge seriously, even at the expert level. No state in possession of nuclear weapons has even a single employee or interagency group tasked with specifying how nuclear arsenals could be eliminated nationally and globally: no one responsible for identifying acceptable standards and methods of verification, standards and procedures to account for all fissile materials, adaptations necessary to securely manage the nuclear industry in a world without nuclear weapons, or whistle-blower protections necessary to deter or detect violations.

The modest recommendation in *Universal Compliance* that all states with nuclear weapons should prepare studies detailing steps they think necessary to verifiably eliminate nuclear arsenals was

meant as a measure of intention to someday fulfill the nuclear disarmament part of the nonproliferation bargain. Instead of trying to avoid this issue, the United States, the United Kingdom, France, Russia, and China should engage it. In addition to exploring how to verifiably eliminate their own nuclear arsenals, the established nuclear weapon states—which are also the permanent members of the UN Security Council—could facilitate expert discussions of the conditions necessary to implement North Korea’s denuclearization and the establishment, some day, of a zone free of weapons of mass destruction (a “WMD-free zone”) in the Middle East, which has been endorsed as an objective by NPT parties and by Israel.

**OBLIGATION THREE: Secure All Nuclear Materials.** All states must maintain robust standards for securing, monitoring, and accounting for all fissile materials in any form. Such mechanisms are necessary both to prevent nuclear terrorism and to create the potential for secure nuclear disarmament.

**GRADE: C-**

*“The United States should ... encourage formation of a high-level ‘Contact Group to Prevent Nuclear Terrorism’ to establish a new global standard for protecting weapons, materials, and facilities.”*

Two modest efforts in this direction have begun. In July 2006, the United States and Russia launched the Global Initiative to Combat Nuclear Terrorism. The scope of this effort is broad, encompassing technical, legal, and political mechanisms, but it

is quite amorphous. It is not overseen by high-level emissaries, which deprives the initiative of the drive its objectives warrant. Thirty nations support the initiative. However, the activities it prescribes would cover neither nuclear weaponry nor facilities, installations, and materials used for military nuclear purposes.

The privately funded Nuclear Threat Initiative, the IAEA, and the Institute for Nuclear Materials Management are working together to create an institution that would help define and promulgate nuclear security “best practices” globally. The proposed “World Institute for Nuclear Security” would serve as a forum where government and industry nuclear policymakers and operators could share security strategies and best practices that went beyond current international standards to improve material security. Participation would be voluntary, reflecting the lack of international leadership and appetite needed to establish tougher binding standards. The World Institute for Nuclear Security likely would focus first on strengthening control over materials that could be used directly in nuclear weapons: HEU, separated plutonium, and mixed oxide fuel.

In parallel, the IAEA is developing “guidance documents” describing standards for nuclear material security that the agency would urge all states to meet. The product of a consensual process, these recommended standards will stop short of the state of the art. Adherence will be voluntary in any case.

*“The United States, Russia, and their partners should vigorously identify, secure, and remove nuclear materials from all vulnerable sites within four years.”*

Despite major tensions between the United States and Russia, the two countries continue to press hard to implement

commitments to complete nuclear material and warhead protection, control, and accounting work in Russia by 2008. American and Russian specialists continue to work together at some of the Russian Federation's most sensitive sites, and this progress is laudable. However, as we found in our 2005 assessment, Moscow and Washington still have not committed to consolidating all nuclear materials in highly secure central storage sites, and too much material remains dispersed in facilities throughout the weapons complex. The same is true for other nuclear weapon states.

**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.

**GRADE: C–**

*“All states should now establish and enforce national legislation to secure nuclear materials, strengthen export controls, and criminalize illicit trade, as [UN Security Council Resolution 1540] requires.”*

UN Security Council Resolution 1540, adopted in 2004, is the first resolution to impose binding nonproliferation obligations on all UN member states, regardless of their specific consent. It requires all states to establish effective domestic controls to prevent proliferation of WMD, their means of delivery, and related materials to and from *nonstate actors*, and to *criminalize* violations of these rules.

If effectively implemented, Resolution 1540 would make a huge difference. Yet three years after its adoption, implementation of 1540 is weak. While the vast majority of states support the obligations in principle, no state has as yet treated implementation as a priority. In particular, developing countries lack sufficient capacity and expertise to do so. States that cannot provide basic security or health care for their citizens are unlikely to divert scarce resources to preventing the operation of illicit proliferation networks. Many developed countries struggle with the tensions between Resolution 1540 obligations and the interests of their export industries and intelligence agencies. India, Pakistan, and other states object to the way the obligations came into being: through Security Council action rather than a treaty negotiation. Iran and other states criticize Resolution 1540 for not including disarmament obligations for the nuclear weapon states.

To address these challenges, the 1540 Committee—a tiny Security Council subcommittee mandated to oversee implementation—has teamed up with international organizations, regimes, individual states, and nongovernmental organizations (NGOs). Much of the assistance has been provided to key risk states.

Actual implementation of Resolution 1540 remains slow, however. To regain momentum, the Security Council should extend the mandate of the 1540 Committee and give it more substantial staffing. International organizations, individual states, and NGOs should make more assistance available, engage a greater number of key risk states, and cooperate more closely with the 1540 Committee. Finally, NGOs and regional organizations should exert pressure on states that have the capacity and expertise to give greater priority to domestic implementation of Resolution 1540.

*“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.”*

As of March 22, 2007, 112 states had signed the Additional Protocol, but only 78 of those are enforcing it, the United States and Russia not among them. Iran signed the protocol, and observed it voluntarily from 2003 to January 2006. Key states that have not signed include Egypt and Saudi Arabia—both with new interest in nuclear power programs—as well as Argentina and Brazil, the latter of which has a uranium enrichment program.

The IAEA continues to place great emphasis on making the Additional Protocol a condition of cooperation, as do the United States and a few other countries. Other states on the IAEA Board of Governors resist. Within the NSG, no consensus exists either. The United States favors making the Additional Protocol a condition of supply, while France and Russia would insist on the protocol implementation as a condition of supply of only the most sensitive items—particularly those related to uranium enrichment or plutonium separation—but not of all transfers.

Egypt, Brazil, Argentina, and other leading non-nuclear weapon states wishing to expand their nuclear activities resist linking nuclear cooperation to adoption of the Additional Protocol. “You can’t create an additional obligation,” an Egyptian official said recently, “when non-nuclear weapon states are threatened each day with nuclear weapons and the nuclear weapon states have done nothing to disarm. How are you going to add an obligation on us when the other guy has no obligations?”

This resistance is genuinely framed as an issue of equity and protest against further limitations being imposed on non-nuclear

weapon states without corresponding “sacrifices” by the recognized nuclear weapon states along with Israel, India, and Pakistan. Some states also may resist because the Additional Protocol would impede their option in the future to conduct research and development that would hasten achievement of the capacity to produce nuclear weapons if they decided to withdraw from the NPT. If North Korea and Iran do not forgo nuclear weapon capabilities, states in Northeast Asia and the Middle East may decide not to accept any new international rules that would reduce their hedging options in the future. The Additional Protocol is a powerful nonproliferation tool precisely because it raises the risks of hedging.

The leadership and goodwill to persuade the NSG to make the Additional Protocol mandatory probably will not appear while the Indian civil nuclear cooperation deal, the Iran case, and deliberations on international fuel services are pending. Leadership will be required from the highest levels of the French, British, Russian, and U.S. governments, among others. This will have to await elections running through 2008.

***“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.”***

Despite widespread recognition that the A. Q. Khan proliferation network and others like it pose a grave threat to international security, little has been done to significantly raise transparency requirements among exporters and importers of sensitive nuclear technology and material.

The Additional Protocol requires that states notify the IAEA of the *export* of a long list of equipment listed in Annex II of

the Additional Protocol. But there are no binding obligations on importers of many of these items. Were the protocol—or analogous rules—mandatory, and were importers as well as exporters required to notify the IAEA of transfers, then participants in proliferation networks such as Khan’s would be at legal risk, unlike before. Partners would face no new restrictions on technology transfer. They would merely have to be transparent about it. The secrecy that covert networks depend on would be challenged, while the availability of technology and material to transparent actors would not be affected. Whereas A. Q. Khan, as a resident of a state that was not a party to the NPT, did not have to declare exports, his network’s activities would have been more precarious if his network partners and buyers in other states had been obligated to report imports. Still, there is strong resistance to making the Additional Protocol mandatory, and, if it were made mandatory, to adding notification requirements for importers.

A less ambitious step would be for the director-general of the IAEA to invoke Article VIII.A of the IAEA Statute and send a guideline to all member states specifying that the agency would be supported in its mission if each state would provide information about exports and imports of specified equipment and non-nuclear material that could help it detect possible undeclared nuclear activities. The Board of Governors could be asked to approve this request, and if it did so, member states would be pressed to comply.

*“Corporations should [adopt] voluntary actions to block trade, loan, and investment activity with those illegally seeking nuclear capabilities.”*

Over the years, businesses have been motivated to exert their influence on behalf of international norms from environmental protection to the abolition of apartheid. This has often occurred in response to moral campaigns by mass-based nongovernmental movements. However, there is no such movement advocating corporate vigilance in withholding economic cooperation from entities suspected of being involved in nuclear proliferation.

In the absence of public pressure, the Bush administration deserves credit for using national legislation and Security Council Resolutions 1373 and 1540 to block financial flows into North Korea and Iran—Resolution 1373 obligates all states to criminalize the provision or collection of funds for terrorist purposes. Legitimate financial institutions know that their reputations could be harmed severely if it turned out that entities with which they were trading were directly or indirectly benefiting actors involved in illicit proliferation. The United States has made clear that it will ban businesses tainted by such trading from the American market. Because the U.S. market and the dollar as a currency are so important, many international businesses prefer to disinvest from Iran or other states sanctioned by the United Nations. Thus, Chinese entities have withdrawn from North Korea, and European banks from Iran, significantly raising the costs of the two countries' nuclear activities.

Private financial leverage would become still more useful if governments shared information with each other and their corporate and financial institutions regarding entities that evidence suggested were involved in activities related to terrorism or proliferation.

*“The Proliferation Security Initiative should be grounded in international law and widened.”*

The Proliferation Security Initiative (PSI) is a sound innovation of the Bush administration to mobilize states on a voluntary basis to enhance national legislation and international law to ensure that shipments of controlled items can be searched and seized under national authority, to share intelligence, and to strengthen training and cooperation in actual intercepts in nationally controlled areas on the seas, in the air, and on land. Since the PSI is a “set of activities” and not a formal organization, there is no official list of member countries. However, according to the U.S. State Department website, more than eighty states had participated in the PSI as of November 2006. About twenty states have formally committed to the PSI, and a handful have signed ship-boarding agreements with the United States. The remaining countries have provided mainly rhetorical support.

Many states—in particular China, South Korea, India, and Indonesia—were originally reluctant to endorse the PSI. They viewed it as a manifestation of U.S. aggressiveness and a threat to the principle of national sovereignty. There were also concerns that the PSI would violate international law, interfere with legal trade, and provoke North Korea. These concerns have lessened with time, as fears of irresponsible interdiction activities have not materialized. China and other states now participate in PSI-related activities on an informal, low-profile basis.

The United States has made efforts to strengthen the legal basis of interdictions. It lobbied for Resolution 1540, the Security Council requirement that every state criminalize WMD proliferation to

nonstate actors in its national legislation. It concluded bilateral ship-boarding agreements with flag-of-convenience states and supported amendments to the Convention for the Suppression of Unlawful Acts. Finally, the United States ceased invoking the right of self-defense under Article 51 of the UN Charter as justification for high-seas interdictions. The actual impact of the PSI at present is difficult to gauge. Though the initiative has helped strengthen the legal and technical frameworks for interdictions, it is unclear how many interdictions have actually occurred over the past four years, given the dearth of unclassified information. It is also unclear how many interdictions would have taken place anyway and whether the PSI has deterred proliferation. Yet the PSI is an important complement to other nonproliferation instruments and fills an enforcement gap in the nonproliferation regime. Efforts to strengthen its legal basis should therefore be continued. Mechanisms to share intelligence and cooperate in interdiction activities should be advanced.

**OBLIGATION 5: 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.

**GRADE: C+**

*“The major powers must concentrate their diplomatic influence on diffusing the conflicts that underlie [states’] determination to possess nuclear weapons, particularly in Iran, the Middle East, Northeast Asia, and South Asia.”*

## Iran

In March 2005 we wrote that “the challenge before the international community today is to clarify Iran’s intentions and give it every incentive—positive and negative—to meet its energy, political, and security needs without technologies that pose inherent threats of nuclear weapon proliferation.” In negotiations with France, Germany, and the United Kingdom, Iran had earlier agreed to offer “objective guarantees” that its nuclear program was exclusively for peaceful purposes. We believed then, as we do now, that the only objective guarantee that would restore lost confidence would be that Iran forgo technologies to enrich uranium or separate plutonium. How long Iran would need to do this before its bona fides were restored would depend on how rapidly and thoroughly it cooperated with the IAEA to answer key unresolved questions and on how fully it reassured its neighbors and the UN Security Council that any resumption of fuel cycle activity would not pose a threat.

From August 2005 through April 2007, the IAEA issued nine reports on Iran. These reports noted Iranian cooperation where it occurred, and highlighted outstanding issues that remained to be resolved. Each of these unresolved matters raises doubts that all of Iran’s nuclear activities have been for peaceful purposes:

- ▶ The source(s) of LEU and HEU particles found at Iranian locations “remains unresolved.”
- ▶ Natural uranium and LEU particles found at a Tehran university have not been satisfactorily explained.
- ▶ Iran has not responded to longstanding questions whose answers are necessary to ensuring that its P-1 and P-2 uranium

enrichment centrifuge programs did not involve military-related actors or purposes.

- ▶ Iran still has not enabled the IAEA to resolve questions about a document describing how to cast and machine uranium metal into hemispheres, an operation whose only known purpose is nuclear weapon manufacturing.
- ▶ Iran still has not provided information necessary to resolve “outstanding inconsistencies relating to ... plutonium experiments.”

The IAEA continues to report that “Iran has not agreed to any of the required transparency measures, which are essential for the clarification of certain aspects of the scope and nature of its nuclear program.” In essence, the evidence that Iran still has not satisfactorily explained indicates the involvement of military-related actors and purposes that contravene Iran’s core NPT obligation to conduct nuclear activities exclusively for peaceful purposes.

The international community has not mobilized sufficiently strong negative or positive incentives to motivate Iran’s decision makers to comply with all of the IAEA’s demands or with three successive legally binding UN Security Council resolutions that stem from Iran’s breaches of its nonproliferation obligations. Perhaps mobilization of such incentives is impossible.

Iran’s fractious leadership finds it difficult to make strategic decisions, and for now insists that it will never agree to cease activities related to uranium enrichment. Even when some Iranian emissaries hint at a possible suspension of enrichment to allow negotiations to resume, they insist that it would be only for a few months, and only in return for the suspension of UN sanctions.

This impasse tempts some to urge a “compromise”—to accept, *now*, Iran’s enrichment of uranium limited to a specific number of centrifuges or quantity of material containing no more than 4.5 percent uranium 235. This, it is suggested, would end the Iranian nuclear crisis.

Unfortunately, this is not likely the case. Iran could seek military gains from limited-scale activities in declared facilities because such experience and know-how could be directly useful in operating clandestine facilities. Moreover, legitimate limited-scale activities could provide a cover for illicit purposes. When no enrichment-related activity is allowed, then any solid intelligence is evidence of violations; when some activity is allowed, it becomes an explanation for all suspicious activity. Moreover, limited-scale enrichment would allow Iran to stockpile fuel to the point where it could then withdraw from the NPT and quickly increase the enrichment level of the stockpiled fuel to produce weapons. Nor does a deal on limited-scale enrichment actually represent a major concession or tempering of ambitions by Iran. Iran’s capabilities would be limited to what they are now, but there is no reason, on the basis of past experience, to believe that Tehran would not break the limits once its technological capability grew.

In *Universal Compliance* before the Iranian case had been reported to the UN Security Council, as we urged—we suggested that the Security Council convey on paper a model draft of a *positive* resolution that would endorse nuclear, economic, and political benefits if Iran would suspend its fuel cycle–related activities and enable the IAEA to certify that it was in full compliance with its obligations.

Security Council Resolution 1747, adopted March 24, 2007, moves in that direction. Sanctions block international cooperation with Iran on activities related to the nuclear fuel cycle and

delivery systems, bar travel of specific Iranian individuals involved in these programs, and freeze financial assets of designated entities and individuals. Perhaps more important, the UN sanctions authority gives states political cover with their own populations and with Iran to take additional steps to withhold investment, export credits, and other forms of commerce with Iran. This has given more impetus to the U.S.-led effort to induce private financial institutions to withdraw from projects in Iran in order to avoid legal or reputational costs in light of Security Council Resolutions 1373 and 1540. These direct and indirect economic sanctions, with the prospect of more to follow, have prompted renewed debate in Iran over the costs and benefits of defying the United Nations and the IAEA. Without such a debate, there is no chance of persuading Iranian leaders to end their march of defiance and comply with UN and IAEA demands.

Economic and political pressure can and should continue to be exerted on Iran's vulnerabilities. Iran cannot grow and enjoy its natural potential as the major economic and political power in the Persian Gulf without significant international investment and access to technology. The majority of Iranians also want political acceptance of their country as a state that will not threaten the stability and security of its neighbors. Iran's most talented citizens and entrepreneurs do not want to be treated as pariahs, even if the Revolutionary Guards, President Mahmoud Ahmadinejad, and other powerful elements in the polity dismiss the value of international acceptance.

Besides authorizing tighter sanctions, Resolution 1747 contains an annex that, for the first time, specifies the Security Council's backing of *positive* elements of a "comprehensive agreement with Iran." This annex deserves much greater attention than

it has received. It offers a starting point for U.S. participation in international negotiations with Iran. Indeed, U.S. support for the positive elements in Resolution 1747 reflects a genuine shift in the Bush administration's policy along the lines we urged in early 2005.

The annex declares the Security Council's goal to be a "comprehensive agreement" with Iran. Under such an agreement, the council would "reaffirm Iran's right to develop nuclear energy for peaceful purposes ... and commit to support actively the building of new light water reactors in Iran through international joint projects" with "legally binding, multilayered fuel assurances to Iran." All of this, of course, depends on resolution of the crisis, and that in turn cannot be achieved unless Iran stops activities related to producing fissile materials. By means of the annex to Resolution 1747, the members of the Security Council, including the United States, offer the prospect that Iran could be welcomed to resume fuel cycle-related activities *after* "confirmation by the IAEA that all outstanding issues and concerns ... have been resolved." Unlike proponents of a deal to endorse limited-scale Iranian enrichment now, the Security Council properly understands that Iran must first rectify its noncompliance with its IAEA obligations and build confidence in its nuclear intentions.

This is a vital, often missed point. Iran cannot come into compliance with its IAEA safeguard agreement and UN Security Council resolutions as long as core questions about its past nuclear activities are unresolved. It is highly possible that Iran cannot resolve these issues without admitting that the highlighted activities were in fact related to nonpeaceful applications of nuclear energy or were conducted by military organizations. Such activities would be a violation of Article II of the NPT.

Iranian leaders would not be paranoid to fear that such an admission would invite severe reprisals by the United States, if not others. Therefore, U.S. officials and Iran's P-5 and IAEA interlocutors should do more, in public and private, to reassure the Iranians that they will not be penalized further for coming clean about the past.

The Security Council did this in the case of Libya. In February 2004, the IAEA reported to the Security Council that Libya was "in breach of its obligation to comply with the provisions of its Safeguards Agreement." Two months later, the president of the Security Council welcomed Libya's decision "to abandon its programs for developing weapons of mass destruction and their means of delivery" and "its active cooperation with the IAEA." Libya was commended for coming into compliance, and the matter was closed. The United States, the United Kingdom, and others subsequently normalized relations with Libya.

Libya is not Iran, of course. Among other things, Iran, unlike Libya, will want to continue a major nuclear energy program. This significantly complicates the task of assuring the world that the program is exclusively for peaceful purposes. Still, the mechanism for recording a past violation of the NPT and closing the books without penalty is relevant to Iran. So, too, is the fact that the United States normalized relations with Libya as part of the nonproliferation deal, even though the regime of Muammar al-Qaddafi continues to violate human rights and belligerently oppose Arab League rapprochement with Israel.

As we urged in 2005, a Security Council resolution including positive elements should also include a guarantee that Iranian sovereignty and territorial integrity will be respected as long as Iran does not attack others. Such a guarantee would be stronger

than a unilateral declaration by the United States. The annex to Resolution 1747 moves in this direction, but does not go far enough. The Security Council supports a new conference to promote dialogue and cooperation on regional security issues, as Iranian officials have urged. It proposes a range of cooperative efforts in trade, investment, civil aviation, telecommunications, high technology, and agriculture. All of this could be further specified and improved through negotiation, of course.

Finally, prudence warrants taking measures now to head off the most undesirable consequences if Iran does proceed to acquire nuclear weapon capabilities. Iran's neighbors, especially, must prepare strategies, political understandings, and capabilities to contain Iran and deter it from using nuclear weapons, either physically or politically. The aim must be to reinforce the overall political message that Iran's power can be accommodated if it does not seek to destabilize its neighbors, foment violence, or coercively influence energy flows and markets.

## The Middle East

The Middle East has not become less turbulent since March 2005. War in Lebanon, intra-Palestinian conflict, weakened Israeli leadership, an emboldened Iran, fear of broad Sunni-Shia competition, heavier authoritarianism in Egypt, Saudi assertiveness—these developments all portend regional instability.

Yet we find nothing to change in the strategy and specific policy steps *Universal Compliance* prescribes to deal with the proliferation challenge in the Middle East. The first imperative is to recognize explicitly that while others in the region would not cease WMD activities if Israel were to unilaterally disarm, nonetheless, “Israel’s possession of nuclear weapons [is] central to the problem of improving regional security.”

Inequality in nuclear weapon capability is unsustainable in the Middle East. Israel cannot forever maintain its monopoly; Iran will not be allowed by its neighbors to have a monopoly among Muslims in the greater Middle East. The only long-term basis for stability and security in the region is equality in which no state possesses nuclear weapons or a nationally controlled source of bomb fuel. This is recognized in calls to create a WMD-free zone in the region, which Israel, Egypt, and other regional states have endorsed. The policy imperative, as we explained in *Universal Compliance*, is for the United States, Israel and other key states to stop “defensively trying to ignore Israel’s nuclear status,” and instead to “proactively call for regional dialogue to specify conditions necessary to achieve a zone free of nuclear, chemical, and biological weapons.”

Numerous extremely difficult issues need to be addressed. Among them are recognition of each other’s existence by all parties, the establishment of security-related confidence-building measures, national transparency, and intrusive verification protocols. Yet the states in the region, including Iran, lack the confidence to begin exploring these issues on their own, a deficiency that is key not only to Israel’s threat perception but also to the perceptions of Egypt, Jordan, Saudi Arabia, and other states in the area. The United States lacks the domestic political interest or regional legitimacy to initiate such dialogue. This may be an area where some combination of European states, working with UN leadership, could invite key regional states to gather to develop a research and dialogue agenda on the conditions necessary to implement a verifiable WMD-free zone in the Middle East.

Two new developments underline the need for such discussions.

In the past year, Egypt, the Gulf Cooperation Council states, Jordan, Saudi Arabia, and Turkey have announced plans to launch significant civilian nuclear programs. Each says that growing domestic demand for electricity and its finite oil and gas reserves make nuclear energy production necessary. In private, leaders of each country also acknowledge that Iran's nuclear program stimulates their interest in developing a potential countercapability. For now they do not seek nuclear weapons, but rather a human and technical infrastructure that is advanced, prestigious, and economically promising enough to allow these countries to stand proud before their own people and their neighbors, including Iran. And if these programs become controversial among nonproliferation watchmen, Egypt will lead a chorus of states charging that Israel's nuclear weapon program faces no outside pressure and that any effort to impede Arab nuclear programs is rank hypocrisy and prejudice.

An international forum to address conditions necessary for a WMD-free zone can provide a useful context for states to assess the intentions behind these budding nuclear programs and to devise procedures and policies for mutual reassurance. Beyond regional dialogue, the United States and other outside powers should be guided by four principles in their efforts to stop proliferation in the Middle East:

- ▶ Avoid transforming any bid for a nuclear energy program by a large state such as Egypt or Turkey into a nationalist campaign to defy the United States. Washington made a grave mistake in the 1990s by opposing Iran's nuclear program (including the Bushehr power reactor so publicly that the issue became a symbol of Iranian nationalism and defiance. This mistake must not be repeated. Quiet, professional diplomacy that makes a

clear distinction between nuclear power programs and nuclear weapon programs must be pursued in close coordination with the IAEA.

- ▶ Rather than oppose civil nuclear programs, move quickly to cooperate with responsible authorities to define the elements of the most economically and environmentally beneficial program. Serious high-level efforts should be made to propose attractive international fuel service arrangements that would make indigenous enrichment and reprocessing obviously uneconomical by comparison.
- ▶ Make sure Iran does not get away with violating its safeguard obligations and the mandates of the UN Security Council. Iranian enrichment activities should be accepted only after the IAEA file is closed and Iran has built confidence that its nuclear activities are entirely and exclusively for peaceful purposes. If Iran continues to defy the IAEA and the Security Council, ensure that it experiences costs sufficient to deter other states from following suit.
- ▶ Recognize that progress on the Israeli-Palestinian agenda is vital to mobilizing efforts to contain nuclear competition in the region. Without such progress, and as long as Israel's nuclear status remains unaddressed, Arab populations will oppose stronger nonproliferation rules and enforcement as tactics intended, above all, to serve what they perceive as Israel's unjust interests.

The second new development is the NPT Review Conference scheduled for 2010. Many international observers feel that the nonproliferation regime is near collapse and that the 2010

meeting will indicate whether it can be saved. The 2005 Review Conference was a debacle in part because Egypt used procedural power to prevent the conference from advancing on any front as long as its demands regarding a WMD-free zone and nuclear disarmament were not addressed satisfactorily.

The matter of the WMD-free zone will be more crucial than ever if current trends continue. If the United States and other friends of Israel try to ignore or deflect this issue, they will only intensify perceptions that the nonproliferation regime is not based on the objectives of universality and equity, but, rather, follows the whims of Washington: America bends the rules for its friend India, ignores the rules for its friend Israel, and does everything to punish its enemies Iran (and Iraq in 2003). Rather than allow this corrosive perception to spread, the United States and others should urge the Conference on Disarmament in advance to convene an expert group to explore whether and how a regional zone free of WMD could be verified. This exploration would not be meaningful—and should not be initiated—if all states in the proposed zone did not send emissaries, including Israel, Syria, Iran, Saudi Arabia, and Iraq. If, with Washington's support, Egypt could not persuade these other states to participate, perhaps the core political-security challenges of the region would be better understood, and the NPT review process would be less prone to derailment.

## **Northeast Asia**

In October 2006, North Korea tested a nuclear weapon. In 2005, the United States had tightened financial pressure on North Korea by designating the Macao-based Banco Delta Asia as a money-laundering culprit. This started a run on the bank, which prompted the Macao government to take it over and freeze

US\$25 million in North Korean assets. These sanctions incensed the North Korean leadership, which escalated the confrontation. The nuclear test followed in part to compel a lifting of sanctions and also to draw the United States into direct negotiations to normalize relations. But North Korea's volatile overreaction turned China, Japan, Russia, South Korea, and the United States more intently against it, inviting tougher international sanctions.

In subsequent months, the Bush administration moved away from the strategy of pure confrontation it had pursued under the direction of longtime undersecretary of state John Bolton and Vice President Dick Cheney. The administration, under the direction of the State Department, became prepared to negotiate directly with North Korea in addition to participating in the six-party talks. The frozen bank accounts and the regional outrage over the nuclear tests provided new leverage against Pyongyang.

In February 2007, following bilateral U.S.–North Korean negotiations, North Korea agreed in the six-party talks “to achieve early denuclearization of the Korean Peninsula,” as part of an “action for action” process. The reciprocal actions to be taken include shutting down and sealing “for the purpose of eventual abandonment” the Youngbyon nuclear facility. North Korea and the United States will start bilateral talks “aimed at resolving pending bilateral issues and moving toward full diplomatic relations.” The United States has pledged to begin the process of removing North Korea from its list of state sponsors of terrorism and removing barriers to trade. Working groups are to be established to address a range of issues crucial to denuclearization of the peninsula, normalize bilateral relations, foster economic and energy cooperation, and establish a “northeast Asia peace and security mechanism.”

There is plenty of reason to doubt whether North Korea will ever eliminate all of its nuclear weapon–related capabilities. Still, if the February 2007 deal keeps North Korea from producing more bomb material and conducting more nuclear tests, it will be a major accomplishment.

Further progress will not be made, however, without recognizing that North Korea wants above all to normalize relations with the United States. North Korea is poorer and weaker than any of its neighbors, and is mindful of ancient Korean tensions with China and Japan. The desire for normal relations with the United States as a distant and powerful balancer is understandable in this light, even if North Korea has pursued them in a sometimes incomprehensible way.

Finally, Northeast Asia lacks institutions and other forums to manage relations among North Korea, South Korea, Japan, China, Russia, and the United States. This region is so important to global security and economics that high priority should be attached to sustaining the interactions begun through the six-party talks, whether or not these talks can lead to more formal mechanisms for regional diplomacy. The breadth of issues to be addressed pursuant to the February 2007 agreement offers plenty of work to be done in this format.

## **South Asia**

Pakistan and India have made significant progress toward resolving the Kashmir dispute, since March 2005. While the politics involved in resolving the Kashmir dispute remain daunting, the leaders of Pakistan and India seem to have internalized the existential imperative of nuclear deterrence. State-to-state warfare is no longer seen as a reasonable policy option.

In *Universal Compliance*, we highlighted seven key policy objectives. The common thread was to encourage and facilitate developments within and between Pakistan and India to stabilize their relationship and reduce the risk that conflict could escalate into nuclear war. Fortunately, the two states have made significant progress since March 2005.

We urged the United States to offer—and India and Pakistan to accept—cooperative threat reduction programs that would provide equipment, briefings, and training to improve control and accounting of nuclear materials, as well as their physical protection, especially against theft by terrorists. We acknowledged that such cooperation would be an extremely sensitive matter for all sides. We are unable to say from public sources whether progress has been made in this area. However, the highest levels of leadership in Pakistan and India have given serious attention to securing their nuclear arsenals.

Given the ongoing development and testing of missiles by India and Pakistan, and exercises by their mobile missile forces, we urged the two antagonists to negotiate and implement risk reduction measures such as missile test flight protocols, advanced notification of the movement of missiles for training purposes, and exchanges of missile test schedules on an annual basis. As a means of defusing potential crises, India and Pakistan have upgraded the hotlines between the two states' ranking officials.

In *Universal Compliance*, we wrote that “the army’s dominant role in Pakistan is a systemic problem.... Pakistan cannot be stable over the long term under military rule.... The capacity of civilian political parties and institutions must be strengthened.” The United States and other governments have been slow to recognize and act on the strategic imperative of political reform in Pakistan.

The Pakistani military has increased its penetration and control of all facets of Pakistani politics and economics. The North Atlantic Treaty Organization and, finally, U.S. leaders have recognized that Pakistani military intelligence services have played at best a double game in Afghanistan, and have heightened rather than moderated instability in Balochistan. The military government of President Pervez Musharraf has cultivated and manipulated Islamist parties and jihadi groups for both external and internal purposes, in part to stymie competition from more modern political parties. Only in early 2007 did Washington begin to take seriously the imperatives of genuine political reform in Pakistan.

**OBLIGATION SIX: Persuade India, Israel, and Pakistan to accept the same nonproliferation obligations accepted by the weapon state signatories [to the NPT].**

### GRADE D-

The U.S.-Indian civilian nuclear deal announced in July 2005 strongly affects the global nonproliferation regime. India is central to what we referred to as the “Three-State Problem.” India, Israel, and Pakistan never signed the NPT and therefore are not formally bound to key nonproliferation rules. They possess nuclear weapons and are not going to give them up for the foreseeable future.

We noted that “for many years supporters of nonproliferation have been suspended between the unrealistic hope that these countries will reverse their nuclear status and the unappetizing prospect of accepting them as new full-fledged nuclear weapon states in order to bring them into the nonproliferation regime. The result has been little movement in either direction.”

To end this state of suspension, we recommended “dropping the demand that India, Israel, and Pakistan give up their nuclear weapons absent durable peace in their respective regions and progress toward global disarmament.” Pakistan will not give up nuclear weapons if India does not, and India will not if China does not, and China will not if the United States and Russia do not.

Recognizing this, diplomacy should be focused on “*persuading the three states to accept all of the nonproliferation obligations accepted by the five original nuclear weapon states.*” We suggested that these commitments could be recorded in a new Security Council resolution superseding Resolution 1172, which was adopted shortly after the 1998 nuclear tests. Resolution 1172 is overly ambitious and repugnant to India and Pakistan in its refusal to recognize their nuclear status and its insistence that they eliminate their nuclear arsenals independent of the disarmament efforts of others.

Responsible stewards of nuclear weapon capabilities should adopt these policies as a matter of international security in any case. Still, as a further inducement, we proposed that the NSG remove restrictions on transferring equipment that India, Pakistan, and Israel need to bring safeguarded nuclear plants up to the highest safety standards, including even “trigger list” technology. We knew that this relaxation of international restrictions would be controversial, but we argued that the three states’ explicit adoption of nonproliferation and arms control policies practiced by the earlier nuclear weapon states warranted such cooperation. Cooperation to prevent nuclear accidents is as much a moral-political obligation as nonproliferation.

In a note, we went further and suggested that “were these states to dismantle uranium enrichment and plutonium reprocessing facilities, and place all nuclear reactors under international

safeguards, international cooperation in supplying power reactors and fuel cycle services would make sense from a global security standpoint.”

The nuclear deal announced by President Bush and Indian prime minister Manmohan Singh in July 2005 falls significantly short of our proposal. Under the deal, the United States and India would begin a series of national and bilateral steps that would end restrictions on nuclear cooperation with India that have been in place since 1978 because India does not have international safeguards on all of its nuclear facilities and materials. Once U.S. domestic restrictions were lifted, India and the United States (joined by Russia, France, and the United Kingdom) would try to persuade the NSG to change its rules to allow full nuclear cooperation with India. India would also have to negotiate a safeguard agreement and Additional Protocol with the IAEA. If and when all these steps were taken, India would gain long-sought acceptance as a state possessing nuclear weapons and access to long-denied nuclear cooperation.

As of May 2007, doubts remain that all the necessary steps will be taken. Nevertheless, it is worthwhile to explore the implications of the deal’s completion.

First, by focusing only on India and ignoring Pakistan and Israel, the agreement did not address the structural problem of the three states’ exclusion from the formal nonproliferation regime.

Second, and more important, the U.S. and Indian governments claimed that under the deal India would assume the same responsibilities and practices accepted by other leading countries with advanced nuclear technology (read nuclear weapon states). But in fact, India did not agree to cease production of fissile materials for military purposes, as the United States, Russia, France,

the United Kingdom, and China have (although China has not declared this). Nor did India sign the CTBT, as the others have.

Third, in agreeing to allow India a safeguard exemption for fast breeder and power reactors that had heretofore been presented as civilian, the deal put an American stamp of approval on what many observers see as an expansion of India's military nuclear capabilities beyond what they were perceived to be before.

Fourth, the United States proposed to remove *all* restrictions on nuclear cooperation with India, whereas we called for a more modest lowering of trade barriers unless India (and, as relevant, Pakistan and Israel) dismantled its uranium enrichment and plutonium reprocessing facilities and placed all of its reactors under safeguards. The proposed deal could allow India to reprocess spent fuel originally supplied by the United States and could even lead to cooperation in enrichment and reprocessing, which would seriously undermine efforts to dissuade other states from engaging in such activities.

In short, the United States—soon joined by France, Russia, and the United Kingdom—spearheaded a deal that obtained significantly less nonproliferation benefit than we thought necessary, and rewarded India with significantly more nuclear cooperation.

The deal erodes the legitimacy and therefore the strength of a rule-based nonproliferation regime. U.S. leadership is further tarnished in the eyes of China and many non-nuclear weapon states: Washington appears to be changing nonproliferation rules to benefit a friend—India—and gain riches for its nuclear and defense corporations, while containing an adversary, China. Such advantage seeking and selectivity regarding rules heightens perceptions of U.S. hypocrisy. The fact that France, Russia, and the United Kingdom eagerly joined with the United States to

boost their own nuclear industries exacerbates widely felt resentment against a nuclear club that piously makes rules in the name of international security, but in reality is locking in its own advantages while holding back those states that are not its friends.

The NSG operates by consensus. Any one of its forty-five member states could block the change of rules that is being sought for India. Officials from many of these states say privately that they oppose the deal—Germans, Danes, Irish, Chinese, Swedes—but none have stepped forward to block it. Each fears retribution from the U.S. in other areas or retribution from India in the field of trade.

In many ways, the behavior of all actors involved in the India deal illustrates the great extent to which cooperative security depends on the leadership of major powers. When that leadership undermines a rule-based system, others do not fill the gap, but instead follow. The result is a slide to pure power competition in the nuclear domain. It was precisely the exceptionally destructive nature of nuclear technology that made world leaders conclude four decades ago that a universal, rule-based system had to be created to manage it.

If it proceeds, the India deal will make less favored non-nuclear weapon states such as Egypt, Iran, and South Africa more bitterly oppose NSG efforts to strengthen nonproliferation rules. “Why loosen rules for India and tighten them on us?” they ask.

If the deal is concluded, international security requires redressing its effects, not compounding them.

The main challenge perhaps falls most heavily on China. The principal flaw in the India deal is the failure to constrain India’s production of fissile materials for weapons, in line with the practices followed by the original nuclear weapon states. Were China

to join the United States, Russia, France, and the United Kingdom in explicitly declaring a moratorium on such production, and to persuade its erstwhile friend Pakistan to declare that it would join such a moratorium if India did, the pressure on India would be enormous. The value of a fissile material production moratorium as a benchmark of progress toward nuclear disarmament would be enormous.

### **Conclusion: The Final Grade: D+**

The world needs better than near-failing performance if it is to be spared a nuclear disaster. Even a relatively small nuclear detonation in a city anywhere in the world would profoundly change the way we live. Beyond the direct casualties, grave damage would be done to the mobility of people, international commerce, and basic liberties. The material and psychological well-being of societies everywhere would suffer.

Many people assume that the United States is the most likely target of terrorist nuclear attack and the most likely participant in a nuclear conflict between states. American presidents reinforce this assumption when they say more often and more intensely than other leaders that nuclear proliferation is the greatest threat to international security.

Other people, especially in the developing world, do not see things this way. For many Africans, AIDS and poverty and internecine conflict are immediate dangers. Nuclear proliferation and war are distant abstractions. In South America, stalled economic growth, inequality, corruption, and perceived U.S. arrogance are much bigger problems than nuclear proliferation. And so on.

It is tempting to see proliferation as a problem that the United States must deal with, perhaps along with Russia and a few other

states. Yet this misses the reality that, however unfairly, the consequences of a nuclear detonation will be in direct proportion to the international power of the state being attacked. If the United States or its closest allies are attacked with nuclear weapons, the reaction will affect everyone. The shock waves will ripple through the global economy. Depending on who is involved in such attacks, whole regions could become embroiled in conflict, which would then ripple further along economic and cultural lines of communication.

Just as the consequences of a nuclear attack would affect everyone, so too everyone must contribute to preventing proliferation. Rules are necessary to prevent nuclear technology, material, and know-how from being misused, and to make and enforce such rules, states have to cooperate.

Rule-based systems, however, do not spontaneously emerge and enforce themselves. Leaders must build them and hold them together. Historically, the United States has been an indispensable leader in this area. That leadership became more difficult when the United States became the sole global superpower. Predominance tends to produce resistance and balancing by others who prefer multipolarity. The Bush administration has exacerbated disaffection with U.S. power through a range of activities and behaviors, most significantly the Iraq War. Its greatest failing, as we argued in 2005, was to underappreciate the international teamwork necessary to stop the spread of nuclear weapons. By rejecting the give-and-take of diplomacy and the legitimacy of other peoples' need for security—including the demand for greater equity in the international system—the United States lost power to achieve what it wants other than through brute force, whose limits became clear in Iraq.

Therefore, the United States bears great responsibility for the world's poor nonproliferation performance. In many areas, such as the tightening of limits or criteria for the spread of fissile material production capabilities, the problem is not a lack of good ideas, but rather a failure to attend to the equity interests of others. And in cases in which resistance to updated and better-enforced rules stems from non-nuclear weapon states' undeclared intentions to preserve options for military activities, those states deserve the opprobrium.

The D+ is an overall average of six component grades. Here, the grading metaphor is quite telling: The sole F was earned because of the failure of the states that now possess nuclear weapons to devalue their political and military currency. This failure weakened the whole enterprise and diminished its effectiveness in areas where real effort was actually being made, as in stopping illegal transfers. Time and again we see that the policies and postures of the states with nuclear weapons, especially the United States, weaken the willingness of others to establish and enforce rules limiting the spread of sensitive technologies or enforcing rules against underdogs who break them.

The D+ is a better average than we would have awarded in 2005. Some progress vis-à-vis North Korea, Iran, and India and Pakistan has been made. Indian-Pakistani relations show the ultimate importance of local leadership and resolve. Leading circles in New Delhi and Islamabad realized the intolerable risks of conflict that could escalate to nuclear weapon use, and have engaged in sustained diplomacy on Kashmir and other sources of risk. In regard to North Korea and Iran, the most obvious changes occurred within the Bush administration: It dropped its refusal to participate in direct diplomacy with the governments

in Pyongyang and Tehran, and thereby strengthened multilateral pressure on both countries. China, for this and other reasons, then exerted more determined leadership, as did France and the United Kingdom, in particular, regarding Iran. The six-party talks with North Korea and the P-5+1 diplomacy with Iran (the United States, Russia, China, France, and the United Kingdom, plus Germany) flowed into UN Security Council resolutions and sanctions that could keep these threats from worsening and might eventually resolve them. North Korea may not ultimately relinquish all of its nuclear weapon capabilities, and Iran may not cease developing capabilities that could lead to development of nuclear weapons, but the prospects for success have improved as the United States has abandoned the counterproductive strategy of counterproliferation via regime change.

By February 2009, new leaders will be running the governments of the United States, Russia, France, and the United Kingdom, among the permanent members of the Security Council. New leaders will govern other key states with and without nuclear weapons. They will do much better than their predecessors if they understand that international security requires sound rules strongly enforced, and that the only way to achieve this is through the equity of universal compliance.

## NOTES

- 1 This report uses the phrase “weapon-usable fissile material” to refer to highly enriched uranium and plutonium. There are other nuclear materials used in weapons, such as beryllium, which are not fissile (capable of sustaining a chain reaction), and other fissile materials, such as low-enriched uranium, that cannot produce a nuclear explosion in a weapon.
- 2 Six nations abandoned indigenous nuclear weapon programs under way or under consideration in the 1960s: Egypt, Italy, Japan, Norway, Sweden, and West Germany. Since the late 1970s, Argentina, Australia, Belarus, Brazil, Canada, Iraq, Kazakhstan, Libya, Romania, South Africa, South Korea, Spain, Switzerland, Taiwan, Ukraine, and Yugoslavia have abandoned nuclear weapon programs or nuclear weapons (or both) on their territory. North Korea and Iran are the only two states that began acquiring nuclear weapon capabilities in this later period and have not ceased the effort.
- 3 In 1970, the year the NPT entered into force, there were about 38,000 nuclear weapons in global arsenals, mostly in the stockpiles of the United States and the Soviet Union; by 1986, the number of weapons had increased to a peak of 65,000 worldwide; in 2004, there were approximately 27,000.
- 4 For more on this concept, see Kurt M. Campbell, Robert Einhorn, and Mitchell Reiss, eds., *The Nuclear Tipping Point: Global Prospects for Revisiting Nuclear Renunciation* (Washington, D.C.: Brookings Institution Press, June 2004) (hereafter referred to as Campbell et al., *The Nuclear Tipping Point*).
- 5 National Security Council, *The National Security Strategy of the United States of America*, September 2002, available at [www.whitehouse.gov/nsc/nss.pdf](http://www.whitehouse.gov/nsc/nss.pdf) (accessed May 11, 2004); National Security Council, *National Strategy to Combat Weapons of Mass Destruction*, December 2002, available at [www.whitehouse.gov/news/releases/2002/12/WMDStrategy.pdf](http://www.whitehouse.gov/news/releases/2002/12/WMDStrategy.pdf) (accessed April 27, 2004), p. 1 (hereafter referred to as *National Strategy to Combat Weapons of Mass Destruction*).
- 6 The final document of the 2000 NPT Review Conference, agreed upon by all the states parties, says, “The Conference reaffirms that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons.”

- 7 *National Strategy to Combat Weapons of Mass Destruction*, p. 3.
- 8 The FY 2005 budget submitted to Congress in January 2004 cut Nunn-Lugar funding by \$17 million. Congress increased the funding for a net final increase in FY 2005 appropriations of \$37 million over FY 2004.
- 9 Francis Fukuyama, "The Neoconservative Moment," *The National Interest*, June 1, 2004.
- 10 Robert Kagan, *Of Paradise and Power: America and Europe in the New World Order* (New York: Alfred A. Knopf, 2003), afterword, p. 154.
- 11 See John Shalikashvili, "Address to Carnegie International Non-Proliferation Conference" (remarks, Washington, D.C., March 16, 2000), available at [www.ceip.org/files/events/ShaliAddress2000.asp?p=8](http://www.ceip.org/files/events/ShaliAddress2000.asp?p=8) (accessed April 22, 2004); see also John Shalikashvili, "Findings and Recommendations Concerning the Comprehensive Nuclear Test Ban Treaty," January 2001, available at [www.state.gov/www/global/arms/ctbtpage/ctbt\\_report.html#report](http://www.state.gov/www/global/arms/ctbtpage/ctbt_report.html#report) (accessed April 22, 2004).
- 12 See United Kingdom Ministry of Defence, *A Summary Report by the Ministry of Defence on the Role of Historical Accounting for Fissile Material in the Nuclear Disarmament Process, and on Plutonium for the United Kingdom's Defence Nuclear Programme*, September 2003, available at [www.mod.uk/publications/nuclear\\_weapons/accounting.htm](http://www.mod.uk/publications/nuclear_weapons/accounting.htm) (accessed April 27, 2004) (hereafter referred to as the UK, *Summary Report*).
- 13 India already has moved in this direction. For instance, in 2000 its minister on external affairs declared to parliament, "Though [India is] not a party to the NPT, India's policies have been consistent with the key provisions of NPT that apply to nuclear weapon states. These provisions are contained in Articles I, III and VI... India has been a responsible member of the international nuclear nonproliferation regime and will continue to take initiatives and work with like-minded countries to bring about stable, genuine and lasting nonproliferation, thus leading to a nuclear-weapon-free-world." Jaswant Singh, "Statement on the 6th NPT Review Conference" (remarks in Parliament, New Delhi, May 9, 2000). Israel could make this commitment without publicly acknowledging possession of nuclear weapons; it would commit simply to do as the other named states do.

- 14 Matthew Meselson and Julian Robinson, "A Draft Convention to Prohibit Biological and Chemical Weapons under International Law," *Fletcher Forum of World Affairs*, 28, no. 1 (Winter 2004): p. 58, available at <http://fletcher.tufts.edu/forum/28-1pdfs/Meselson.pdf> (accessed April 21, 2004).
- 15 Apart from the five permanent members of the UN Security Council, nonpermanent representatives from Algeria, Brazil, Chile, Germany, Pakistan, the Philippines, Romania, and Spain voted in favor of the resolution.
- 16 See "The Equator Principles: A Framework for Banks to Manage Environmental and Social Issues in Project Financing," available at [www.equator-principles.com](http://www.equator-principles.com). Another voluntary regime worth examining in this context is the "Global Compact" launched by UN Secretary-General Kofi Annan, which brings companies together with UN agencies, labor, and civil society to support nine principles in the areas of human rights, labor, and the environment. It was initiated on July 26, 2000. See [www.unglobalcompact.org](http://www.unglobalcompact.org) (accessed January 12, 2005).
- 17 For an interesting analysis of the potential costs of such attacks, see C. C. Abt, "The Economic Impact of Nuclear Terrorist Attacks on Freight Transport Systems in an Age of Seaport Vulnerability," Contract no. DTR57-03-P-80130, Abt Associates, Inc., Cambridge, MA, 2003.
- 18 See "F&C Banking on Human Rights: Confronting Human Rights in the Financial Sector," September 2004, summary; full report available at [www.isisam.com/uploadFiles/banking\\_human\\_rights\\_sept04.pdf](http://www.isisam.com/uploadFiles/banking_human_rights_sept04.pdf) (accessed January 12, 2005).
- 19 For an excellent description of the Kimberley Process, see A. Bone, "Conflict Diamonds: The De Beers Group and the Kimberley Process," in *Business and Security: Public-Private Sector Relationships in a New Security Environment*, ed. A. Bailes and I. Frommelt (Stockholm International Peace Research Institute, Oxford University Press, 2000), pp. 129–47.
- 20 The report authors are indebted to Lee Kimball for important insights into existing international regimes in these areas. Kimball is a legal expert specializing in institutions that address the problems of environment and development, with a particular focus on international ocean management. She has served as the founding

director of the Council on Ocean Law and as a senior associate at the World Resources Institute on International Institutions.

- 21 Brad Roberts of the Institute for Defense Analyses has insightfully explored how the United States could induce the other major powers to accept greater responsibility for effecting a secure nuclear order. Brad Roberts, *American Primacy and Major Power Concert: A Critique of the 2002 National Security Strategy*, IDA Paper P-3751 (Washington, D.C.: Institute for Defense Analyses, December 2002), available at [www.ida.org/IDAnew/Tasks/AmericanPrimacyFinal.pdf](http://www.ida.org/IDAnew/Tasks/AmericanPrimacyFinal.pdf) (accessed April 27, 2004).
- 22 See Joseph Cirincione, Jessica Mathews, and George Perkovich, *WMD in Iraq: Evidence and Implications* (Washington, D.C.: Carnegie Endowment for International Peace, January 2004), available at [www.carnegieendowment.org/intel](http://www.carnegieendowment.org/intel) (accessed January 5, 2005). See also Jessica T. Mathews "What Happened in Iraq? The Success Story of United Nations Inspections" (keynote address, International Peace Academy Conference, "Weapons of Mass Destructions and the United Nations: Diverse Threats and Collective Responses," March 5, 2004), available at [www.carnegieendowment.org/publications/index.cfm?fa=view&id=1471](http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=1471) (accessed December 15, 2004); and Charles Duelfer, Iraq Survey Group (testimony before the Senate Armed Services Committee, October 6, 2004).
- 23 See Barbara Hatch Rosenberg, "Enforcing WMD Treaties: Consolidating a UN Role," *Disarmament Diplomacy*, no. 75 (January/February 2004), available at [www.acronym.org.uk/dd/dd75/75bhr.htm](http://www.acronym.org.uk/dd/dd75/75bhr.htm) (accessed April 27, 2004).
- 24 Trevor Findlay, "Preserving UNMOVIC: The Institutional Possibilities," *Disarmament Diplomacy*, no. 76 (March/April 2004), available at [www.acronym.org.uk/dd/dd76/76tf.htm](http://www.acronym.org.uk/dd/dd76/76tf.htm) (accessed April 28, 2004).
- 25 State cooperation is helpful, but recent experiences suggest that it is often unlikely to occur and is not in itself critical to the success of an inspection regime.
- 26 See Jessica T. Mathews, *Iraq: A New Approach* (Washington, D.C.: Carnegie Endowment for International Peace, August 2002), available at [www.ceip.org/files/publications/iraq/mathews.htm](http://www.ceip.org/files/publications/iraq/mathews.htm) (accessed April 27, 2004).

- 27 For the purposes of this report, the cost of the Iraq War, which is outside the annual budget, is not considered.
- 28 See, for example, National Intelligence Council, *Foreign Missile Developments and the Ballistic Missile Threat to the United States through 2015*, December 2001, p. 8 (hereafter referred to as NIC, *Foreign Missile Developments*): “U.S. territory is more likely to be attacked with [chemical, biological, radiological, and nuclear] materials from nonmissile delivery means—most likely from terrorists—than by missiles, primarily because nonmissile delivery means are less costly, easier to acquire, and more reliable and accurate. They can also be used without attribution.”
- 29 This has not changed since Russia and China deployed their first intercontinental ballistic missiles, in 1959 and 1981, respectively.
- 30 For a more detailed description see Joseph Cirincione, “A Much Less Explosive Trend,” *Washington Post*, March 10, 2002, sec. B, p. 3, available at [www.ceip.org/files/Publications/2002-03-10-cirincione-post.asp](http://www.ceip.org/files/Publications/2002-03-10-cirincione-post.asp) (accessed May 6, 2004).
- 31 High-level U.S. officials insist that in the run-up to the Iraq War they did not call or consider Iraq an “imminent” threat. See, for example, George J. Tenet, “Iraq and Weapons of Mass Destruction” (remarks, Georgetown University, Washington, D.C., February 5, 2004), available at [www.cia.gov/cia/public\\_affairs/speeches/2004/tenet\\_georgetownspeech\\_02052004.html](http://www.cia.gov/cia/public_affairs/speeches/2004/tenet_georgetownspeech_02052004.html) (accessed April 27, 2004); see also Donald Rumsfeld, interview, *Face the Nation*, CBS, March 14, 2004, available at [www.defenselink.mil/transcripts/2004/tr20040314-secdef0542.html](http://www.defenselink.mil/transcripts/2004/tr20040314-secdef0542.html) (accessed April 27, 2004).
- 32 Kissinger couches his call in the context of realpolitik: “As the most powerful nation in the world, the United States has a special unilateral capacity to implement its convictions. But it also has a special obligation to justify its actions by principles that transcend the assertions of preponderant power. It cannot be in either the American national interest or the world’s interest to develop principles that grant every nation an unfettered right of preemption against its own definition of threats to its security.” Secretary-General Annan strikes a similar chord: “We must not shy away from questions about the adequacy and effectiveness of the rules and instruments at our disposal....[Security Council] members may need to begin a discussion on the criteria for an

- early authorization of coercive measures to address certain types of threats; for instance, terrorist groups armed with weapons of mass destruction.” Henry Kissinger, “Consult and Control: Bywords for Battling the New Enemy,” *Washington Post*, September 16, 2002, sec. A, p. 19; Kofi Annan, “Address to UN General Assembly” (remarks, New York, September 23, 2003), available at [www.un.org/News/Press/docs/2003/ga10156.p2.doc.htm](http://www.un.org/News/Press/docs/2003/ga10156.p2.doc.htm) (accessed April 27, 2004).
- 33 Report of the Secretary-General’s High-Level Panel on Threats, Challenges, and Change, “A More Secure World: Our Shared Responsibility,” United Nations, 2004, p. 67.
  - 34 For an outstanding treatment of this issue, see Brad Roberts, “NBC-Armed Rogues: Is There a Moral Case for Preemption?” in *Close Calls: Intervention, Terrorism, Missile Defense, and ‘Just War’ Today*, ed. Elliott Abrams and James Turner Johnson (Washington, D.C.: Ethics and Public Policy Center, 1998).
  - 35 See, for example, Neta C. Crawford, “The Slippery Slope to Prevent War,” *Ethics and International Affairs*, 17, no. 1 (Spring 2003), p. 30, available at [www.cceia.org/viewMedia.php/prmTemplateID/8/prmID/868](http://www.cceia.org/viewMedia.php/prmTemplateID/8/prmID/868) (accessed April 27, 2004); Miriam Sapiro “The Shifting Sands of Preemptive Self-Defense,” *American Journal of International Law*, 97, no. 3 (July 2003), pp. 599–606.
  - 36 Again, states remain free to act in self-defense, including on an anticipatory basis, where threats are clearly imminent.
  - 37 European leaders bypassed the UN Security Council in taking military action against Serbia over Kosovo.
  - 38 All nuclear reactors produce plutonium that can be used for nuclear weapon production only after extraction from spent fuel. As such, “separated plutonium” refers to plutonium that has been separated and is usable in a nuclear weapon.
  - 39 George W. Bush, “Address on Weapons of Mass Destruction Proliferation” (remarks, National Defense University in Washington, D.C., February 11, 2004), available at [www.whitehouse.gov/news/releases/2004/02/20040211-4.html](http://www.whitehouse.gov/news/releases/2004/02/20040211-4.html) (accessed April 27, 2004) (hereafter referred to as Bush, “Weapons of Mass Destruction Proliferation”).

- 40 For a full discussion, see *The Future of Nuclear Power: An Interdisciplinary Study* (Boston: MIT, 2003), available at <http://web.mit.edu/nuclearpower> (accessed April 27, 2004).
- 41 The Belfer Center at Harvard University, under the direction of John Holdren and Matthew Bunn, has done several major studies on the issue of nuclear security, with the support of the Nuclear Threat Initiative. Many of the ideas from the center are reflected in this section.
- 42 The National Academy of Sciences has recommended that the “highest standards of security and accounting applied to the storage of intact nuclear weapons should be maintained” for all nuclear materials in the disposal process. See *Management and Disposition of Excess Weapons Plutonium* (Washington, D.C.: National Academy of Sciences, 1994) (hereafter referred to as *Management and Disposition of Excess Weapons Plutonium*).
- 43 These are published as the IAEA’s information circular or INFCIRC 225.
- 44 This was another recommendation of the 1994 National Academy of Sciences study. It suggested that “the United States pursue new international arrangements to improve safeguards and physical security over all forms of plutonium and HEU worldwide.” *Management and Disposition of Excess Weapons Plutonium*, p. 2.
- 45 Efforts to strengthen the Convention on the Protection of Nuclear Materials and the routine process involved in revising the IAEA’s nonbinding standards on physical protection for nuclear materials have been hampered by various obstacles. These include a desire by states to protect their national authority, states’ resistance to opening their nuclear activities to international scrutiny, and industrial, financial, and bureaucratic imperatives.
- 46 Security Council Resolution 1540 states: “Acting under Chapter VII of the Charter of the United Nations...[the Security Council] decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear...weapons, including by establishing controls over related materials, and to this end shall (a) develop and maintain appropriate effective measures to account for and secure such items in production, use, storage and transport; (b) develop and maintain appropriate physical protection measures...”

- 47 Such assistance is noted in the *EU Strategy against Proliferation of Weapons of Mass Destruction* by the G-8 Global Partnership Statement, and in UN Security Council Resolution 1540.
- 48 Clear red lines, however, will need to be drawn to avoid assisting Israel, India, and Pakistan in ways that might help them manage their nuclear arsenals in violation of NPT commitments.
- 49 See Matthew Bunn, Anthony Wier, and John P. Holdren, *Controlling Nuclear Warheads and Materials: A Report Card and Action Plan* (Washington, D.C.: Nuclear Threat Initiative and the Project on Managing the Atom, Harvard University, March 2003), available at [www.nti.org/e\\_research/cnwm/overview/report.asp](http://www.nti.org/e_research/cnwm/overview/report.asp) (accessed April 27, 2004).
- 50 Both HEU and plutonium can be used to produce a nuclear weapon, and terrorist groups with money and resources can produce a weapon with either. It is technically simpler, however, to produce a weapon using HEU.
- 51 *Management and Disposition of Excess Weapons Plutonium*, p. 1.
- 52 Of the nine states known or believed to possess nuclear weapons, the United States, Russia, France, the United Kingdom, and China have ceased production of HEU or plutonium for weapons production. Russia continues to produce 1.5 metric tons of plutonium annually from former production reactors, but the material is not used for weapons, under bilateral agreement with the United States. It is believed that Israel, India, Pakistan, and North Korea all continue to produce material for nuclear weapons.
- 53 Bush, “Weapons of Mass Destruction Proliferation.”
- 54 In the initial draft of the present document, the authors recommended that all states adopt a ban on the production of HEU and, to ease verification requirements and minimize distinctions between states, a temporary pause on all enrichment activities. Discussions with officials and industry representatives made clear that the marginal benefits of a comprehensive pause on enrichment were outweighed by the technical, economic, and security challenges such a pause would entail. Thus, the pause on all enrichment activities has been dropped from this final set of recommendations, but retained for enrichment above 20 percent U-235.

- 55 Observers note that Pakistan's enrichment capability was stolen from URENCO and question the wisdom of adopting the URENCO model. There was nothing inherent in the international nature of URENCO's ownership that allowed A. Q. Khan to steal the information needed to advance Pakistan's nuclear ambitions. Appropriate personnel reliability and technology controls can reduce risks to an acceptable level.
- 56 Massive capital investments have been made in plutonium recycling in Japan and Europe. These investments make terminating plutonium unlikely, but should not eliminate consideration of a pause in plutonium separation until supply and demand achieves equilibrium and consideration of new, advanced fuel cycles that do not rely on separated weapon-usable materials.
- 57 As of May 7, 2004, Nunn-Lugar programs under the U.S. Department of Defense had deactivated or destroyed 6,312 nuclear warheads and destroyed 535 ballistic missiles, 459 ballistic missile silos, 11 ballistic missile mobile launchers, 128 bombers, 708 nuclear air-to-surface missiles, 496 submarine-launched ballistic missiles, 408 submarine missile launchers, and 27 strategic missile submarines. It had also sealed 194 nuclear test tunnels. For additional information on Nunn-Lugar accomplishments by the Department of Defense and by the Departments of Energy, and State, see Michael Roston, "Reported Accomplishments of Threat Reduction and Nonproliferation Programs, by Agency," *RANSAC Policy Update*, July 2004, at [www.ransac.org](http://www.ransac.org) (accessed January 13, 2005).
- 58 See "Statement by G8 Leaders: The G8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction," June 27, 2002, at [www.g8.gc.ca/2002Kananaskis/globpart-en.asp](http://www.g8.gc.ca/2002Kananaskis/globpart-en.asp) (accessed May 6, 2004).
- 59 Information on the more recent members of the Global Partnership may be found at [www.state.gov/t/np/rls/fs/34967.htm](http://www.state.gov/t/np/rls/fs/34967.htm) (accessed January 10, 2005).
- 60 The analysis and discussion that follow are provided by William Hoehn of the Russian-American Nuclear Security Advisory Council and Matthew Bunn of the Project on Managing the Atom at Harvard University. Their work and the work of their organizations are gratefully acknowledged.

- 61 “The Worldwide Threat 2004: Challenges in a Changing Global Context,” Testimony of George J. Tenet before the Senate Armed Services Committee, March 9, 2004, available at [www.cia.gov/cia/public\\_affairs/speeches/2004/tenet\\_testimony\\_03092004.html](http://www.cia.gov/cia/public_affairs/speeches/2004/tenet_testimony_03092004.html) (accessed January 14, 2005).
- 62 A detailed discussion of this issue may be found in Matthew Bunn and Anthony Wier, *Securing the Bomb: An Agenda for Action* (Washington, D.C.: Nuclear Threat Initiative and the Project on Managing the Atom, Harvard University, May 2004), available at [www.nti.org/e\\_research/cnwm/overview/2004report.asp](http://www.nti.org/e_research/cnwm/overview/2004report.asp) (accessed January 10, 2005).
- 63 The Global Threat Reduction Initiative (GTRI) is already active in Russia in that it is removing Russian-origin HEU and spent fuel from research reactors around the world. As is argued in the present chapter under “Threat Reduction,” this program should also be accelerated from its current ten-year schedule to four years.
- 64 In December 2004, the Bush administration publicly embraced the goal of completing such security upgrades in four years. Paul Longworth, the deputy administrator of the National Nuclear Security Administration, laid out this goal in his remarks to the Tenth Annual International Nuclear Materials Policy Forum, Alexandria, Va., December 14, 2004. A report on his remarks is provided in David Ruppe “U.S. Threat-Reduction Efforts Quicken, Official Says,” *Global Security Newswire*, December 15, 2004, available at [www.nti.org/d\\_newswire/issues/2004\\_12\\_15.html#75E8F3A8](http://www.nti.org/d_newswire/issues/2004_12_15.html#75E8F3A8) (accessed January 10, 2005).
- 65 In November 2004, Senator Richard Lugar, chairman of the Senate Foreign Relations Committee, introduced legislation in the Senate that would actually lift the certification/waiver requirements. A press release on the draft legislation may be found at <http://lugar.senate.gov/pressapp/record.cfm?id=227989> (accessed January 10, 2005).
- 66 Bush, “Weapons of Mass Destruction Proliferation.”
- 67 IAEA Director General Mohamed ElBaradei has said, “The current system relies on a gentleman’s agreement that is not only non-binding, but also limited in its membership: it does not include many countries with growing industrial capacity. And some members fail to control the exports of companies unaffiliated

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- 99 The United Kingdom admirably has taken the commitment to nuclear disarmament seriously enough to commission official assessments of how it might be accomplished. According to an official report by the UK Ministry of Defence, "the Government does

not believe that it will ever be possible for any of the relevant States to be able to account with absolute accuracy and without possibility of error or doubt for all the fissile material they have produced for national security purposes.” This conclusion appears plausible not only for the United Kingdom, and raises questions that must be addressed to assess the meaning and feasibility of securely and verifiably eliminating all nuclear arsenals. UK, *Summary Report*.

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agreements and *treaties that ban weapons of mass destruction for us only* [emphasis added], disarming Sinai, and allowing direct U.S. occupation of our land and holding joint military exercises.” Ayman Al-Zawahiri, *Knights under the Prophet’s Banner* (Al-Sharq Al-Awsat: London, 2001), available at [www.fas.org/irp/world/para/ayman\\_bk.html](http://www.fas.org/irp/world/para/ayman_bk.html) (accessed January 12, 2005).

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- 107 The chemical and biological weapons conventions conclude that there is no legitimate basis for possessing these weapons. The greatest and perhaps only legitimate ground for possessing nuclear weapons is to deter threats to the existence of the possessing state or its allies. It is not surprising, then, that a state facing adversaries that reject its right to exist would perceive an existential threat and not sign or implement agreements requiring it to forgo acquisition of the sort of strategic deterrence that nuclear weapons may provide. Even if such a deterrent is not militarily necessary, relinquishing such a deterrent may be politically impossible in the face of existential threats.

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