

ADDRESSING THE CHALLENGES FACING THE NPT: ARTICLE VI

As we celebrate the 40th anniversary of the NPT being opened for signature, there are increasing expressions of concern about the fate of that Treaty, particularly as the date for the next Review Conference draws closer. This is not a phenomenon unique to this period – indeed, prior to each NPT Review Conference for the past 25 years, there have always been dire predictions about the fate of the NPT. So, are things really different this time or is this merely more of what could be considered the usual pre-Conference hand wringing?

It may be that my perspective has changed since I am no longer in Government, but I believe that there are increasing reasons for real concern. The near universality of the Treaty is due primarily to a judgment by 180 plus non nuclear weapon states that the Treaty contributes to their calculus of national security. The Treaty's contribution can be calculated in various ways from reassuring the parties about their neighbor's intention to reassuring their neighbor about their intentions, it could be based on facilitating access to peaceful uses of nuclear energy or it could be based on the Treaty's contribution to international security. The more countries have nuclear weapons, the more likely is possible nuclear use.

While the NPT has been a great success in preventing the spread of nuclear weapons, the end of the Cold War, the continued spread of nuclear technology spurred by the Khan network, and certain other developments have created new pressures. Should countries begin to conclude that the security, nonproliferation, disarmament and peaceful use benefits noted above are substantially eroding, the Treaty's fate is really in doubt. .

Let me cite in no particular order a few examples of actions that I believe are causing some of the parties to begin to question the contribution the Treaty is making to their national security. The DPRK's announced withdrawal from the NPT in 2003 was greeted largely with a yawn by the international community—it was only after the DPRK detonated a nuclear weapon in 2006 that the Security Council was able to gather itself sufficiently to condemn not only the test but also NPT withdrawal. So, how much reliance can be placed on a Treaty where withdrawal is easy?

Another contributor is the pending U.S. nuclear cooperation agreement with India. This proposed agreement marks a dramatic and clear departure from the principle that all proliferation is bad and creates the new principle that some proliferation is acceptable. Engaging in nuclear energy cooperation with India while India maintains and increases its arsenal makes clear to all that U.S. nonproliferation principles are for sale and also makes clear that NPT adherence is no longer a pre-condition to civil nuclear cooperation.

The most important example, however, is the challenge of compliance, particularly by Iran. More than five years have passed since the Board of Governors of the IAEA became aware that Iran was not complying with its safeguards agreement. Over three years, the Board passed nine resolutions asking for Iran's compliance before finally sending it to the Security Council. There, after four resolutions by the UN Security

Council, Iran's centrifuge enrichment program continues moving forward. Neighboring states such as Jordan and Saudi Arabia are beginning to take steps to follow at least part of Iran's example—initiating programs for nuclear energy. One has to be concerned that in time they may also pursue the nuclear weapons portion of the Iranian example.

In the 1990's, there was reason to be optimistic that the international community would take NPT noncompliance seriously. But during that decade, the problems were easy—Iraq had just been defeated after clearly violating international law by invading Kuwait and evidence of their covert program was clear to all. The other challenge, the DPRK, was also easy since it was largely an international pariah. Now, however, the international community is wrestling with a very tough case and the results, to date, are not encouraging. So, if compliance with the NPT is going to become more and more of a question, countries have to become concerned about the Treaty ability to serve their security interests.

The final question on compliance relates to Article VI on which I have been asked to elaborate. In NPT circles, the charge is often made that the nuclear weapon states and the U.S. in particular, spend all their time talking about non nuclear weapon state compliance while doing nothing or very little to show their own compliance with article VI. Notwithstanding the substantial nuclear reductions that have taken place in four of the five NWS over the past 15 years, there is a growing perception on the part of many NPT NNWS that the five nuclear weapon states have no intention of moving toward nuclear disarmament.

We've arrived at this point, in part, because the end of the Cold War ended whatever "pass" the nuclear weapon states had been given on Article VI. Moreover, the 1995 extension decision and the 2000 Review Conference raised hopes that irreversible, legally-binding and verifiable concrete steps would soon be taken. Some in the NAM in particular have become cynical about the NPT; the United States demands their support for efforts to deal with noncompliance by Iran, North Korea, and possibly Syria -- yet we fail to address seriously their concerns about what they view as our poor compliance with Article VI.

The focus of my remarks and criticism will be directed at the United States, not because I believe we bear sole responsibility but because there may be a chance that we can collectively influence this Government. Let me also make clear that the U.S. record over the course of this administration is not totally negative. First, there is the Moscow Treaty—it has some significant flaws regarding units of account—deployed vs. non-deployed nuclear weapons, it lacks permanency, and it is seriously deficient on verification. But, nonetheless, it is a step toward lower numbers. And, in general, the overall stockpile continues to decline although no numbers have been published. Offsetting that has been such things as the administration's opposition to the CTBT, its efforts to develop new roles for nuclear weapons such as buster bunkers and "mini-nukes." What this has done is to convey to others that we intend to continue reliance on nuclear weapons.

Some experts argue that U.S. actions are irrelevant—other nations decide to proliferate based on their own perceived security concerns. Jim Goodby and Sid Drell admirably rebutted that position in their contribution to *Reykjavik Revisited*:

Those experts are right to believe that several impulses go into the decision-making process of would-be nuclear weapon states; they are wrong to believe that expectations about future trends in the world regarding the role of nuclear weapons in international relations have no part in national decision making. If decision makers think the world is going to be increasingly armed with nuclear weapons and that those are going to be seen as normal and legitimate defense postures, they will logically lean toward keeping open the option of building a nuclear arsenal and will exercise that option when conditions seem to require it. Expectations about the actions of others always have played a large part in policy making. Things are no different in the nuclear arena.

I believe that the expectations being created are for increased reliance on nuclear weapons and by an increasing number of countries. Based on this belief, it is not surprising that I agree that the world is approaching a “tipping point” toward increased proliferation.

Obviously, everyone here is aware of the proposals by Secretaries Shultz, Kissinger and Perry as well as by Senator Nunn. Those who dislike their proposals refer to them as the “gang of four.” For myself, I will refer to them as “the four statesmen.” They have come to the conclusion that the threat of nuclear proliferation cannot be turned back without a strong global partnership, which in turns means the United States must reengage in a wide range of nuclear control measures including in a treaty format that the current Administration has largely shunned.

So, what should be done? With the remainder of my time, I want to go quickly through some of the 13 practical steps toward nuclear disarmament that were agreed at the 2000 NPT Review Conference not just because I was involved in the 2000 NPT Review Conference, not just because this administration would not even deign to speak of them but because these 13 steps represent the most comprehensive expression of the NPT parties’ views on what specific measures should be taken to work toward fulfillment of Article VI. Interestingly, virtually all the proposals advanced by the “four statesmen” are reflected in the 13 steps.

1. CTBT: Recall that the 11th preambular paragraph of the NPT envisions achievement of such a ban. US ratification of the CTBT would make a very significant contribution to meeting the terms and objectives of the NPT and it will enable us to urge other governments to take similar action.

2. Testing moratorium, pending entry into force: There seems to a general consensus on this.

3. Fissile Material Production Ban: I might add that in 2000 this step explicitly called for an “effectively verifiable” treaty. It is hard to be optimistic that such a ban can soon be achieved in the CD given that more than a decade has past and substantive negotiations have not yet begun. And, it is hard to envisage another negotiating forum that would be acceptable to countries like India, Israel and Pakistan. The five nuclear weapon states, however, could perhaps take measures to make more formal their existing moratoria on fissile material production.

4. Irreversibility: Deployed versus non-deployed is in obvious conflict with the desire for irreversibility—what is sought is destruction of weapons, of weapons infrastructure and weapons delivery systems.

5. Elimination of Nuclear Weapons: The “four statesmen’s” call for establishing the goal of abolishing all nuclear weapons has created excitement on one side of the political spectrum dismay on the other side. Certainly, endorsement of that goal by the next administration, even recognizing that achieving that goal requires achievement of a number of interim steps, would go a long way toward putting the U.S. squarely on record in support of Article VI.

6. START II and the ABM Treaty: This step from 2000 in particular seems more of historical rather than practical interest but the issues addressed by these two treaties remain germane. Deep reductions in nuclear warheads are long overdue. Russia has made clear that for them there is a relationship between further reductions and missile defense. It is time for the United States to get on with it and begin serious discussions with the Russians on both issues.

7. Warhead Verification: This step was cast in terms of the Trilateral Initiative which included the U.S., Russia and the IAEA. It sought to devise acceptable verification arrangements for storage of fissile weapon components as part of the Nunn-Lugar program. The most recent edition of Arms Control Today contains an article by Tom Shea who represented the IAEA in these negotiations urging use of some of the procedures developed by the Trilateral Initiative for U.S./Russian verification of the presence of such components. It is becoming more obvious that as the number of nuclear weapons decreases, the need for effective verification increases. It is equally obvious that agreements regarding limitations cannot be based solely on verification of delivery vehicles. Unprecedented intrusiveness will be required and no one should be deceived into thinking that it will be easy for any nuclear weapon state to accept that degree of intrusiveness. But, let us begin.

8. Increased transparency: This step brings to my mind a time in early 2000 when I spent two hours in the Chinese mission in Geneva as Ambassador Zha zu Khan lectured me on why transparency would place China at a comparative disadvantage. I could have spared myself such a lengthy exchange had I raised this topic in a venue where it was unlikely that the Chinese would have listening devices. In any event, China certainly lags the other nuclear weapon states when it comes to transparency and the U.S. should begin a serious and on-going strategic dialogue with China about nuclear weapons. It is fair to

say that our years of discussions with the Soviet Union led both sides to better understand each other. It also provided an opportunity for us to influence Russian thinking about nuclear doctrine—it is past time when we should be doing the same with China.

It is worth pausing a moment here to make a broader point. It is not just the United States that needs to take the NPT more seriously, it is also other countries. For example, I took the New Agenda coalition to task in 2000. Some of their proposals specifically named the United States or the United States and Russia—they were totally silent on China, yet China was the only nuclear weapon state building more nuclear weapons and more delivery systems. I want to add that I believe it is fair to hold the U.S to a higher standard than a country like China, but I do not believe NNWS' disarmament objectives can be seen as genuine if they are totally silent about the only NWS that is actively increasing its stockpile. One last aside concerns NAM criticism of Israel—in 2000, the mention of Israel was balanced by some criticism of India's and Pakistan's nuclear tests and Iraqi noncompliance. However, since that time, my understanding is that the NAM has been totally silent about India and Pakistan. To be credible, their criticisms must be even-handed.

9. Non-strategic nuclear weapons: Russia realizes that it is cheaper to deploy already developed nuclear weapons to protect its security than to raise and maintain a standing army and build modern conventional weapons. It is not clear to me that Russia can be persuaded to reduce significantly these non-strategic systems. Nonetheless, we should examine a trade-off where the U.S. withdraws its nuclear weapons from Europe in exchange for Russian reductions.

10. Reduce the operational status: Commentators for years have talked of the decay in Russian handling of nuclear forces, but recent Air Force-related events suggest that we need also to be concerned about decay in U.S. handling. Rapid response in such an environment seems not only risky but foolhardy. The Cold War is over—launch on short notice is no longer required. It is past time for a serious discussion that would give both the Russian and the American president far more time to make what could be catastrophic decisions.

11. Diminish nuclear weapons in security policy: Actions and statements by both the U.S. and Russia point in both directions. As mentioned previously, Russia seems to be increasing reliance on nuclear weapons in its security posture. The U.S. on one hand seems to acknowledge an increasing the role for smart conventional weapons while continuing to argue that new nuclear weapons are needed for new challenges. Heartening is a recent statement by the head of the successor to SAC that he no longer was searching for a number of targets equal to the number of nuclear weapons available. Instead, he was focusing on the number of targets for which nuclear weapons might be required. Disheartening was the recent statement by Secretary Gates that nuclear weapons would grow in importance because of proliferation and renewed Russian emphasis on nuclear weapons.

12. Excess fissile material: During the 90s, Russia and the United States were able to identify excess fissile material no longer required for military purposes. Perhaps the most well-known were the tons of HEU that Russia agreed to down-blend under IAEA supervision. With further reductions, one would assume that it will be possible for both Russia and the U.S. to identify additional stocks that are excess to defense needs. The likelihood of any of the other nuclear weapon states identifying fissile material excess to defense needs remains slim.

These twelve measures I believe are among the steps necessary to address the Article VI challenges facing the NPT. The US has long argued that the way to achieve total nuclear disarmament is through incremental steps. I personally remain unsure that we can get to zero, but I do believe that the “four statesmen” are correct that the U.S. should clearly and publicly embrace that goal while taking a series of interim measures. As those steps are taken, I do believe that the next steps will become clearer and more achievable.

Should our next president embrace these measures, how does one ensure that these measures do not over time simply become “lost in the bureaucracy”—how do we avoid nonproliferation and arms control being treated as business as usual? I believe the challenges are extraordinary, I believe extraordinary challenges require extraordinary means. This for me means the appointment of a prominent individual the day after the election whose job during the transition is to establish our nonproliferation and arms control priorities and then examine how best to achieve those priorities. For me, I do not believe that they can be achieved by adding these tasks to what is already a burgeoning list of other priorities in the Department of State. For me, seriousness about achieving these measures—and conveying to other governments our seriousness—means creating an agency whose sole focus is nonproliferation and arms control.