



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.¹⁰¹ 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.¹⁰² 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.¹⁰³ 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 arsenals¹⁰⁴ 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.¹⁰⁵ 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."¹⁰⁶

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.¹⁰⁷

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.¹⁰⁸ 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 ^a	Suspected program	Suspected weapons ^b	Nuclear-capable SRBMs and MRBMs
Iran	Suspected program	Suspected program	Suspected weapons ^c	SRBMs (Scud-B and -C), probable MRBM capability
Syria	—	Suspected program	Suspected weapons ^d	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 ^e	—	—	—	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 (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 (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 (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)