Towards a New, Effective Non-Proliferation Strategy

Joseph Cirincione
Carnegie Endowment for International Peace
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Many experts now believe that we need to think big, that we need a new, dramatic change in U.S. and international non-proliferation policy. But they are too late. The revolution has already occurred. A small, determined band of ideologues has used the national tragedy of September 11 to move their radical anti-proliferation strategy from the fringes of policy debate to the dominant center. The authors of this revolution do not shy from the historic moment. They write in the December 2002 National Strategy to Combat Weapons of Mass Destruction, that their new approach “represents a fundamental change from the past.”

They are right. They have overturned forty years of cooperation by liberals and conservatives, Republicans and Democrats, large nations and small, that successfully proscribed the global spread of nuclear, biological and chemical weapons and had brought us tantalizing near more complete solutions. Many formidable problems remained, as most experts are well aware. But with our goals within sight, with the numbers of nuclear, chemical and biological weapons shrinking, with the number of states that possess or pursue these weapons down to historically low numbers, with the problem areas down to a difficult but small number of hard cases, the revolutionaries staged their coup. The danger now is that these policies, part of what Arthur Schlesinger calls the “fatal change” in U.S. policy, will fail miserably and in their failure set off the second great wave of proliferation since World War II.

This paper will outline the assumptions and policies of the current strategy and present a path forward towards a new, more effective non-proliferation strategy. We are, however, in a very real sense, counter-revolutionaries. While painfully aware of the need for new methods and new energy, in this battle we are the conservatives. Our basic posture inclines us toward the preservation and restoration of the treaty regime and its adaptation to the challenges ahead. Our first task should be to question that assumption and if our posture is judged correct, to seek a synthesis of the best of the treaty-based regime and the force-based policies of the current administration.

Joseph Cirincione is a Senior Associate and Director of the Non-Proliferation Project at the Carnegie Endowment for International Peace, Washington, DC. He is the author of Deadly Arsenals: Tracking Weapons of Mass Destruction and publishes the comprehensive proliferation web site: www.ProliferationNews.org
The Neo-Revolution

Despite the successes of the Non-Proliferation Treaty, many critics attacked the role of non-proliferation treaties and methods in recent years. But it was the September 11 attacks that profoundly changed the course of American proliferation policy. In their wake, the Bush administration revived and implemented several previously proposed but controversial policies. In two key documents, the *National Security Strategy of the United States* (September 2002) and the *National Strategy to Combat Weapons of Mass Destruction* (December 2002) the administration concluded:

- The threat of weapons of mass destruction is the highest priority for the United States and should be for other countries.
- The threat today is different than it was during the Cold War, and greater.
- A small number of outlaw states exist that have no regard for international norms and are determined to acquire weapons of mass destruction.
- The proliferation threat is most dangerous at the nexus of states, WMD, and non-state terrorist actors.

The administration’s assessment did not, at first, appear dramatically different from those of previous administrations, which also acknowledged these growing dangers. However, all previous presidents had treated the weapons themselves as the problem. As long as they existed, someone would use them. “We must abolish the weapons of war,” President Kennedy said, “before they abolish us.” So the Kennedy-Johnson-Nixon Non-Proliferation Treaty sought to eliminate nuclear weapons, the Nixon Biological Weapons Convention banned biological weapons, the Reagan INF Treaty banned intermediate-range missiles, and the Bush Chemical Weapons Convention banned chemical weapons.

Eliminating Regimes, Not Arsenals. The new, force-based approach shifts the focus of proliferation efforts from eliminating weapons to eliminating regimes. In November 1998, then-President Clinton spoke, as did most U.S. and international officials during the 1990s, 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 subtly changed the formula. In his January 2003 State of the Union address he framed the issue this way: “The gravest dangers facing America and the world is outlaw regimes that seek and possess nuclear, chemical, and biological weapons.” In effect, the administration has shifted emphasis from “what” to “who” the threat is. (italics added)

Many officials in the Bush administration believe that the entire process of negotiating and implementing non-proliferation treaties is both unnecessary and harmful to U.S. national security interests. They argue that some of the treaties, such as the Comprehensive Test Ban Treaty, the Anti-Ballistic Missile Treaty, and the Landmine Treaty, restrict necessary

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armaments, thus weakening the principal nation that safeguards global peace and security. Other treaties, such as the Chemical Weapons Convention and the Biological Weapons Convention, promote a false sense of security as some nations sign, then cheat on the agreements. Several key officials, such as Undersecretary of State John Bolton, reject most of the multilateral system, including the United Nations.  

Assistant Secretary of State for Non-Proliferation John Wolf remarked that the non-proliferation regime remains vulnerable to a sense of “complacency, inertia, and timidity” that jeopardizes its value. He and other administration officials criticized other nations for spending too much time and resources addressing the architecture of the regime, rather than the action necessary to decrease security threats. Although the administration remains committed to export controls and strengthening the IAEA, many officials believe the NPT has failed to restrain WMD acquisition by the most determined and dangerous states.

The perceived failure of the NPT has led the administration to demand more flexibility in its options to combat proliferation. This administration believes that preventive war, even unilaterally, is a valid and necessary response to certain threats. The United States must, in other words, “defend against the threat before it is unleashed” (italics added).

**Unsteady Architecture.** Thus, even though the strategy claims it has “three pillars” (counter-proliferation, non-proliferation, and consequence management) counter-proliferation by far has captured the lion’s share of the Bush administration’s attention and funding.

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2 Charles Krauthammer expresses these views more bluntly than officials care to:
“[F]or the Clinton administration, treaties are the very soul of foreign policy. And what have they wrought? Parchment that is either useless or worse than useless. A Chemical Weapons Convention (CWC) that even its advocates admit is unverifiable. Negotiations for a biological weapons regime that will intrusively inspect American pharmaceutical operations and are guaranteed to miss the small concealable plants in which Libya, Iran, Syria, and a host of other miscreants are even now cooking up anthrax and botulism. A comprehensive nuclear test ban treaty that either degrades the reliability of our nuclear deterrent-in which case it is back-door disarmament and thus dangerous to American security—or it doesn't, in which case it is a perfect nullity. “The Nuclear Nonproliferation Treaty, an opportunity for nations with no desire to build nukes to posture virtuously and for nations with every such desire to cheat. What, after all, is a signature on the NPT worth? In 1992, North Korea announced that it would withdraw from the NPT and build nukes. What was the penalty? The United States promised it two shiny new $2.3 billion nuclear reactors and an indefinite supply of free oil in return for a promise - since broken - to merely freeze its nuclear program.” (Charles Krauthammer, “A World Imagined,” *The New Republic*, 15 March 1999.)


The FY 2002 budget gave counter-proliferation, mostly in the form of missile defense, approximately $8.5 billion, compared to about $1.5 billion for non-proliferation efforts and $13 billion for homeland security programs.

In FY 2004, however, the war in Iraq and $10 billion for missile defense boosted counter-proliferation budgets to $81 billion, homeland security grew to $41 billion, while non-proliferation increased modestly to $2 billion. These figures underscore the dramatic imbalance in the attention, emphasis and roles assigned to the three pillars.

**War is Peace.** The Iraq War was the first application of the theory that preventive war can be an effective instrument against proliferation. The initial military operations were highly successful, but the occupation has incurred such high costs and international consequences that an American defeat in Iraq is now a real possibility. Part of the reason the war has gone so badly is that the administration did not follow its own guidelines. *The National Strategy* says:

“To succeed, we must take full advantage of today’s opportunities, including the application of new technologies, increased emphasis on intelligence collection and analysis, the strengthening of alliance relationships, and the establishment of new partnerships with former adversaries.”

U.S. forces did take full advantage of new military technologies, but administration officials ignored much of the analysis on Iraq’s weapons programs or, worse, may have manipulated the intelligence to produce the desired assessments. After unifying the United Nations in October 2002 on the need to impose tough inspections on Iraq, the U.S. drive to war fractured the existing relationships with all but one key ally, and antagonized the partnerships with Russia, China and other former adversaries that had begun to develop after September 11.

But it is more than just a tactical failure. The strategy itself is deeply flawed. It starts divides the world into two camps, “for us” or “against us;” “good guys” and “bad guys.” Zbigniew Brzezinski calls it “a paranoiac view of the world.” Certain states are allowed, even encouraged, to have nuclear weapons, while others are threatened for desiring them. The strategy fails to recognize the dynamic nature of many governments. “Good guys” and “bad guys” keep changing. Iraq used to be an ally of the United States in its efforts to block an expansionist Iran. Iran used to be a “good guy” when the U.S. supplied Iran its first nuclear reactors under the Shah. Pakistan is a “good guy” today, but a change in government or a regime collapse could suddenly create a new nuclear danger.

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6 Mainly cooperative threat reduction programs at the departments of defense and energy, with $0.2 billion for state department programs.
7 Before the formation of the new department, these efforts were focused on physical security measures for federal buildings.
Secondly, these double standards taint American credibility. Why can the U.S. develop and potentially deploy a new generation of nuclear weapons, yet punish others who seek their own nuclear deterrent? 9 How can we hope to prevent Middle East nations from pursuing WMD programs while Israel remains the only nation in the region with nuclear weapons? Thirdly, regime change, especially when accomplished unilaterally, weakens the rule of international law: if the United States acts unilaterally, other countries may also use such a “right” to launch preventive attacks in the name of security. Finally, the strategy sustains a dangerous policy imbalance: too much emphasis on preventing regimes from threatening the U.S. and not enough preventing the spread of the materials and technicians themselves.

A New Approach

The non-proliferation community needs to go beyond defending the traditional regime, and recognize that paradigms and players have changed since the Treaty on the Non-Proliferation of Nuclear Weapons was negotiated in 1968 and extended indefinitely in 1995. New eras require new thinking. Preemption via military force offers one option in overcoming our fundamental challenge. But, sustainable policies cannot solely rest on unilateralism or force. The approach must be comprehensive. And the U.S., along with every other country worried about proliferation threats, needs partners.

The mounting casualties and turmoil in Iraq are now altering the preferred plans of the administration. The force-based approach is in serious trouble and, as a result, there is greater reliance—however reluctant—on negotiated solutions to Iran and North Korea, for example. The powerful moderating mechanisms in the U.S. foreign policy process, realistic appraisals of the continuing importance and successes of international non-proliferation agreements, and the influence of many European and Asian nations may combine in the coming year to develop dynamic and innovative approaches to sustain and perhaps expand the regime. But, this is not guaranteed. If these approaches falter, future conferences will wrestle with the growing list of nuclear nations, as well as more – not fewer – states with chemical and biological weapons.

Consequently, any proposals to change U.S. policy must be formulated within the context of a new, comprehensive strategy that recognizes both the flaws of the existing non-proliferation regime and the virtues of some of the correctives proposed by regime critics. This strategy, unfortunately, does not yet exist. It must be created. Now.

Though the non-proliferation regime is flawed, it is hardly irrelevant. Active diplomacy may very well succeed in eliminating North Korea’s nuclear program and the threat that the country will produce or export advanced missile systems. Similarly, the fundamental

9 “My greatest concern is that some in the administration and in Congress seem to think that the United States can move the world in one direction while Washington moves in another that we can continue to prevail on other countries not to develop nuclear weapons while we develop new tactical applications for such weapons and possibly resume nuclear testing.” John M. Spratt, “Stopping a Dangerous Drift in U.S. Arms Control Policy,” Arms Control Today 33, no. 2 (March 2003)
lesson of the Iran crisis is that the system can work: existing mechanisms can detect a violation and provide the needed corrective. United States and European Union efforts seem to be making progress with Iran, though much remains to be negotiated and verified before that nascent weapons program can be reversed. In many ways, the South Asian programs represent the most difficult challenge, both for the risks of regional war they present and their ripple effect on other Asian states.  

Effective action against proliferation requires assimilating the efficacy of the new approaches advanced by the U.S. administration with the benefits of the regime built on treaties and international cooperation. To make future policies relevant, such assimilation must be fashioned into a compelling new international strategy against proliferation in a positive framework that citizens will understand and support.

This new synthesized strategy could be forged around several key questions:

- What are the most urgent proliferation dangers?
- When is preemption a viable strategy?
- How can we strengthen cooperative threat reduction?
- Can coercive inspections work?
- Is there a “legal” place for Israel, India, and Pakistan?
- Are new approaches needed to the two central NPT “bargains”?

Developing agreement on a comprehensive threat assessment would, by itself, be a step forward. How we define the threats dictates in great part our strategy and tactics. A tentative categorization and ranking of urgent proliferation dangers could be as follows:

**Material and Technology Transfers**
- Terrorist acquisition of nuclear weapons or materials.
- Diversion of nuclear weapons or materials from national arsenals, especially from Russia.
- Cooperative proliferation among states, or “secondary proliferation.”

**Shifts in State Policy or Status**
- North Korea as a new nuclear-weapon state.
- Collapse of government control over nuclear arsenals in Pakistan.
- Conflict between India and Pakistan leading to nuclear war.
- Iran as a new nuclear-weapon state.

**Breakdown of Regimes and Norms**
- Collapse of the Non-Proliferation Treaty and emergence of many new nations armed with nuclear weapons.  

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11 For example, if North Korea and Iran continue on their nuclear weapon trajectories, insecurity in the Middle East and Northeast Asia will grow dangerously, and further
• Development of new nuclear weapons and doctrines for battlefield use.
• Threats to use nuclear weapons against non-nuclear states.
• End of reductions in U.S. and Russian nuclear stockpiles.

Assimilation

There are several parts of the Bush administration’s approach to proliferation that we should incorporate into a new policy. Including, the justified criticism of the complacency and inertia of the multi-lateral system, the necessity of enforcing existing agreements and obligations, and the need for bold thinking and sweeping approaches.

We have all, including dedicated supporter of the regime, railed at the inertia of the multi-lateral mechanisms. This should help us understand that the answers may lie outside the established organizations. For example, the Proliferation Security Initiative is a good, new idea that could not have been organized if it had been brought first to the Conference on Disarmament. Instead, the United States formed an ad hoc coalition of nations willing to participate in enforcing existing laws to stop illegal weapon transfers. It went from an idea to practice in one year. The task now is to ground the PSI more firmly in international law and organization, to make it a part of the international non-proliferation system, not a substitute for the system.

So, too, we should not shy from approaches outside the formal structures. The Director General of the IAEA is proposing the internationalization of fuel-cycle facilities as an answer to the proliferation of nuclear material fabrication technologies. This idea seems to be picking up support in the United States and Russia. Perhaps this could work. We should also consider whether a market-based mechanism could help: the creation of an international consortium that would produce and guarantee the supply of reactor fuel and nuclear materials to nations at prices far cheaper than indigenous production could provide. Matthew Bunn of Harvard University has advanced such an idea.

Enforcement is clearly a key issue. Administration officials have said that non-proliferation concerns cannot take second place to other state-to-state considerations. We can all agree. The task is to put that into practice. Even as we struggle to develop new non-proliferation norms, we should insist that compliance with existing norms be the first order of business for all states. We should not shirk either from demands that Iran comply with its safeguard agreements pursuant to Article II of the NPT, or from demands that the United States comply with its Article VI obligations to continue negotiations to reduce and proliferation may occur with states such as Egypt, Libya, Saudi Arabia in the Middle East and Japan and Taiwan in Northeast Asia.

12 See, for example, the remarks of US Secretary of Energy Spencer Abraham on November 5, applauding ElBaradei "for trying to think in a 21st century approach, a new approach." (Associate Press report, available at: http://www.guardian.co.uk/uslatest/story/0,1282,-3354359,00.html)
eliminate nuclear weapons. George Perkovich has done much good thinking on this issue that may form a central part of a new approach.

There is also a new appreciation of the need for “coercive inspections.” Senator Richard Lugar said at an October Senate committee hearing,

“When confronted with a case as blatant as Iran, the United States and like-minded allies must use the Security Council to demand that the violator cease all illegal weapon activities, dismantle weapons-related facilities, and submit to ‘super inspections,’ even tougher than those imposed on Iraq. Elements should include unfettered freedom for inspectors, unsupervised interviews of nuclear scientists and engineers (out of the country with their families, if necessary), and unrestrained aerial surveillance.”

Senator Biden endorsed this approach, and the committee’s witness, Deputy Secretary of State Richard Armitage, supported the general concept. Just before the Iraq war, both France and Germany submitted enhancements to the Iraq inspection regime similar to those listed by Senator Lugar. It may be possible to create a new, permanent core of inspectors in the UN responsible for monitoring and verifying existing treaties and special problem cases.

Conclusion

In some ways, the Bush administration’s revolution was easy. It relied on rejecting existing but weakened international structures and mobilizing purely domestic resources for war. Additional international support was desirable but not necessary for its strategy. Our task is harder. Without state power, we must fashion ideas so logical, so compelling that national leaders searching for alternatives will adopt them as their own. And not in one nation, but in many.

Developing these answers will not be easy. Achieving political consensus around them will be even more difficult. However, the revolutionaries give us hope. They crafted their ideas, not in government, but outside it, in think tanks and dinner parties. The power of their concepts fit the mood of the president and the country. But the mood is changing. Even if the president remains the same, he may need a new look in a new term.

The existence and spread of nuclear, biological, and chemical weapons will remain an urgent public concern. We must forge a new non-proliferation strategy that can win broad consensus or risk abandonment by a frightened public or displacement by illusionists promoting quick military cures.

Note: This paper was originally presented to the Monterey Strategy Group at the Monterey Institute for International Studies in California, November 16, 2003.
Appendix

The Carnegie Endowment for International Peace is embarked on a two-year mission to formulate a new, effective non-proliferation strategy for the United States. We seek ideas and partners. We will present the results of our efforts at the Carnegie International Non-Proliferation Conference in Washington on June 21 and 22, 2004. We believe the new strategy must provide answers to the following key questions.

Threat Assessment and Treaty Effectiveness

1. What are the most pressing proliferation dangers that a nonproliferation strategy must address?
2. What would be the real effects of a weakened or shattered international nonproliferation regime?
3. What are the strengths and liabilities of the traditional, treaty-based approach?
4. How can a regime designed for a world of state actors be adapted to deal effectively with nonstate threats as well?
5. How can recent experiences help strengthen enforcement of the nonproliferation regime?

What to Do with the Cheaters?

6. Under what conditions are regime change and/or military pre-emption a viable policy for preventing proliferation or blocking its consequences?
7. Does focusing nonproliferation policy only on certain regimes—Iran, Iraq, and North Korea—while implicitly accepting others’ possession of nuclear weapons—India, Israel, and Pakistan—undermine long-term prospects of preventing proliferation?
8. Does the unilateral use of military force to counter proliferation increase or decrease the willingness of others to cooperate in areas such as export controls, counter-terrorism, and intelligence where all observers acknowledge the need for cooperation? (including the “Free-Rider” problem)
9. To what extent and how can ballistic missile defenses augment nonproliferation and protect against the use of nuclear weapons if proliferation occurs?

The Best of Both Worlds

10. Can the strengths of the treaty-based approach and the force-based approach be captured in a coherent synthesis? Where do they clash counter-productively?
11. Neither coercive counterproliferation nor the current nonproliferation regime fulfills the requirement for detailed and reliable accounting and monitoring of global fissile material
11 stocks. What steps must be taken to establish such an accounting and monitoring system?

12. How can we strengthen cooperative threat reduction policies and techniques?

13. Conversely, what is the potential of coercive inspections and disarmament techniques?

14. Drawing from the new and the traditional approaches, what are likely to be the most effective strategies for dealing with the toughest remaining cases—North Korea and Iran?

The Three States Problem

15. Is it desirable or necessary to find a “legal” place for India, Israel, and Pakistan within the nonproliferation regime? If so, how can this be done without weakening the regime? If not, what are the implications of their not being accommodated formally? In either case, how can the threat of nuclear war in South Asia or the Middle East be reduced?

The Future of the NPT

16. Are new approaches needed to replace the two central “bargains” of the NPT?

- The Article IV commitment by the nuclear “haves” to assist the “have-nots” in gaining the benefits of peaceful applications of nuclear technology and know-how. In the case of Iran, and perhaps elsewhere, the United States argues that peaceful cooperation cannot be prevented from providing military applications.

- The Article VI commitment by the nuclear “haves,” updated in 1995, to pursue a cessation of the nuclear arms race and other steps toward nuclear disarmament. U.S. refusal to ratify the Comprehensive Test Ban Treaty is perhaps the most dramatic example of non-fulfillment of these commitments.

17. If these elements of the old bargain are tacitly being discarded by the nuclear “haves,” will the “have-nots” at some point make this a global crisis? How can the existing commitment of the member states to the NPT be sustained if the terms of the bargain are being changed?

18. What adjustments to international fuel cycle policies need to be made in the future? Should their be additional constraints made on fuel cycle technologies? What can states be offered to give up their NPT rights to develop reprocessing or enrichment capabilities? What is the lesson of Iran for these questions?

The Future of Deterrence

19. What is the appropriate role for nuclear weapons in our defense and non-proliferation strategy? Can they be an effective deterrent against the use or acquisition of chemical and biological weapons, and are there reasonable missions beyond traditional deterrence of nuclear weapons that they can fill?