Ballistic Missile Defense and the Non-Proliferation Treaty:
A View from Washington

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Thank you, Rector Fokine and Professor Shelepin for inviting me to speak at the Diplomatic Academy. Having been involved in arms control negotiations between the United States and Russia for most of my 32 years with the U.S. government, I enjoyed the privilege of having worked closely with a great many alumni of this most prestigious institute. The experience of working with the fine professionals who staffed the various delegations and the Embassy in Washington was a rewarding one and, in my three and a half years since leaving government I have – among other things – attempted to recount them in my memoirs, which will be published in the United States early next year. In writing the book, aside from attempting to put my recollections and experiences to paper, I sought to express the satisfaction I derived from having had the opportunity to work with so many of the dedicated and talented people who handled arms control issues in our countries. Over the years the Diplomatic Academy has produced graduates of the highest caliber who have served their nation with the utmost skill and dignity, a tradition that I am glad to see has continued under Rector Fokine's stewardship.

There is a significant chance that many of you will have the opportunity to work on the issues that I intend to address today. My remarks will focus on the prospects of a U.S. national missile defense deployment, which depending on the course of action chosen could require modification or abrogation of the 1972 Antiballistic Missile (ABM) Treaty by the United States, and the implications of this for the future of the Nuclear Non-Proliferation Treaty (NPT) regime.

So what should be made of the new Administration's rhetoric on missile defense? Will there be an American national missile defense? And what would that do, first, to U.S.-Russian strategic relations, second, U.S. relations with China, and, third – and, in my view, most importantly – to the NPT regime?

In thinking about these issues, I am reminded of Jonathan Schell's article last year in *Foreign Affairs.* In his article "The Folly of Arms Control," Schell argued that the solutions to some problems lie "outside the bounds of contemporary political acceptability." Sometimes the *right* approach seems politically untenable and, as a result, a more attractive middle course is chosen. But the politically attractive answer may not be best and may in fact carry unspeakably dangerous consequences. He argued that such was the case when the West chose appeasement of Nazi Germany over resolute opposition to Hitler's aggression. He goes on to suggest that the world has reached the point where it must chose now between a world free of nuclear weapons and a widely proliferated world. Failing to choose, the choice will be made for us. He argues that there is no middle road to take here; if we are to prevent the spread of nuclear weapons we must be prepared to eventually eliminate nuclear weapons entirely. If we are not prepared to do this, than we must be prepared to live in a world in which every nation that can acquire nuclear weapons eventually does.

I might not go so far as to say that we must chose between complete disarmament and the rampant spread of nuclear weapons. But I do agree that the international community is indeed at a crucial juncture in its relationship with nuclear weapons, and that a decision is required, or it will be made for us. We—that is, the international community—have allowed our approach to nuclear nonproliferation to drift so much in recent years that we have reached the point where we

must choose between the gradual development of a widely proliferated world and a strong, vigorous and effective nuclear nonproliferation regime.

I cannot overstate the importance of this decision. The principal threats to international peace and security today center not on risks posed by nation states, but on transnational concerns such as terrorism, economic instability, wide-scale poverty and disease, and environmental degradation. These conditions reinforce the central, overarching threat to security, the spread of weapons of mass destruction and missile technologies to unstable countries, terrorist organizations, and religious cults. French Premier Jacques Chirac, British Prime Minister Tony Blair, and German Chancellor Gerhard Schroeder said it best in their October 1999 opinion piece: "As we look to the next century, our greatest concern is proliferation of weapons of mass destruction, and chiefly nuclear proliferation. We have to face the stark truth that nuclear proliferation remains the major threat to world safety." How the international community manages and addresses this threat may very well be the central question of many of your careers.

The ballistic missile defense issue is a key element of this question. For some in the United States, including some in the Bush administration, the answer is to deploy a shield to protect the territory of the United States from missile attacks. The drive to deploy a national missile defense is an element of an increasing trend toward a unilateralist approach to national security policymaking, a new "go it alone" approach in Washington. It seems to reflect nostalgia for a bygone era in which the United States was insulated against threats to its national security by the expansive oceans to the east and west and friendly neighbors to the north and south. But while this luxury disappeared with the dawn of the missile age, national missile defense represents to some in Washington a resurrection of the dream of absolute security.

Domestic politics also drive the ballistic missile defense debate in the United States. It is important to note that the National Missile Defense Act of 1999, which declared it U.S. policy "to deploy as soon as is technologically possible an effective national missile defense system capable of defending the territory of the United States against limited ballistic missile attack" passed in the U.S. Senate by a vote of 97-3. This overwhelming support was a result of two principal factors. First, the bill was essentially meaningless in terms of actually taking a step toward ballistic missile defense deployment and thus carried little political risk for individual senators. There was no appropriation of money associated with it and it mandated no new programs. But second – and more importantly – the notion of defending oneself against so-called bad actors is politically attractive. No member of Congress wants to face criticism at home that he or she opposes self-defense. And while the technology for an effective defense at present is not there, there is a sense among the public that there is no technological challenge the United States cannot overcome.

Finally, after the July 1998 Rumsfeld Report, which argued that states such as Iran, Iraq and North Korea might be able to threaten the United States with intercontinental ballistic missiles as early as 2005, even some traditional opponents of missile defense came to believe that the threat of missile attack had been underestimated and that something needed to be done. Throw into the mix important defense industry contracts related to national missile defense-related projects, and the domestic politics of the issue are not favorable to opponents of missile defense.

So where do we go from here? First, I should state that I do not believe the United States will deploy a national missile defense anytime soon. The only type of system that could be deployed before the end of President Bush's second term would be the one proposed by

President Clinton (or a modified version of that system), which has already been dismissed as inadequate. None of the other technologies under discussion will be ready for deployment sooner than 2011 at the earliest and more likely 2014 or later. Most of the administration's efforts will not go into deploying a system, but into research and development in pursuit of missile defense accompanied by strong rhetoric about the government's commitment to this goal. The Munich Conference on Security Policy in February when Secretary Rumsfeld asserted that President Bush had a constitutional and a moral obligation to pursue a national missile defense may be an example of this.

While I believe the likelihood of deployment is small, I am concerned, however, that the almost ideological support for missile defense among some in the United States, a general disdain for the restraints of arms control agreements by some in Washington and a need to mollify conservative missile defense advocates might conspire to pressure the Bush administration into considering the possible abrogation of the ABM Treaty, which has been referred to as "ancient history".

Discarding the ABM Treaty would have a very damaging effect on U.S.-Russian and U.S.-Chinese relations and on the nuclear non-proliferation regime. I won't dwell on the first point because I'm certain that you understand it better than I, but some here in Moscow have suggested that Russia might respond to a U.S. abrogation of the ABM Treaty by withdrawing from a variety of nuclear arms control accords—including the INF Treaty and the START Treaties—and keeping its strategic nuclear systems on high alert status. And abrogation of the ABM Treaty would contribute to a general deterioration of U.S.-Russian relations, making cooperation in other important areas – securing and disposing of excess weapons-usable fissile materials and confronting international terrorism, for example – more difficult. I should note,

however, that the growing cooperation between Russia and Iran is only making the situation worse. If there is to be a settlement of the WMD issue between Moscow and Washington based on a cooperative approach, and I very much hope that there will be, the Russia-Iran issue must be resolved.

But if abrogating the ABM Treaty is troublesome in the U.S.-Russian context, it is outright dangerous with respect to China. After all, when push comes to shove, none of the missile defense proposals being considered will be capable of offsetting Russia's strategic deterrent. For China, however, the issue is more serious, which explains the harsher rhetoric coming from Bejing. Even in suggesting that the United States and China discuss the missile defense issue, China's top arms control negotiator, Sha Zukang, said, "The development of NMD is tantamount to drinking poison to quench thirst. It will," he went on to say, "undercut the very foundation of the international nonproliferation regime and even stimulate further proliferation of missiles." Beijing is concerned that even the most limited ballistic missile defense system would undercut its minimalist nuclear deterrent—that any missile defense capable of offsetting supposed threats from North Korea would render Beijing's deterrent impotent, giving the United States the freedom to intervene on behalf of Taiwan, something it is not prepared to accept. China appears to have convinced itself that North Korea is not the target of U.S. missile defense advocates, but rather China seems to believe that the objective is to gain the ability to bully or blackmail Beijing with nuclear weapons and threats. Couple this with what the Chinese finance minister recently referred to as "drastic changes in the military situation around the world" – namely missile defense, changing rhetoric on the Taiwan issue and the effectiveness of the high-tech weapons used during the Kosovo air operation – and some in China appear to believe that the United States is trying to back it into a corner.

As a result, China is likely to have a strong reaction. Already, Beijing has announced the largest expansion in defense spending in real terms in the last 20 years, an increase of more than 17 percent. China has also indicated that it could expand improve its strategic nuclear arsenal by up to a factor of ten and seek to deploy MIRVed ICBMs and missiles with multiple re-entry vehicles, systems that could require China to resume nuclear testing, at obvious consequence for the NPT regime. Both developments could have serious consequences for regional security stretching from Pakistan to Japan. If China expands and improves its nuclear arsenal or resumes testing, India—and subsequently Pakistan—are all but certain to follow suit. And any change in the strategic balance in East Asia could have serious consequences for Japan and Korea and could require an increase in U.S. military deployments in the region. Who knows where that could lead? But a spiraling confrontation, which could involve a nuclear arms race, is not out of the question. Finally, China has also threatened in this context to cease cooperation in non-proliferation forums and perhaps resume nuclear and missile cooperation with states such as Iran.

So, where does this leave us? It seems to me that, in light of Russian concerns and the possible Chinese response, the best way for the United States to address the threats posed by missiles and weapons of mass destruction is not to deploy unilaterally a ballistic missile defense, but rather to work with its partners around the world to strengthen international systems designed to prevent the spread of these weapons. Such international cooperation could include missile defense. Russia and the rest of the world should encourage the United States to fortify structures intended to ensure that nations do not acquire these weapons in the first place. Principal among these is the Nuclear Nonproliferation Treaty (NPT), which for some thirty years has been a firm bulwark against this threat. As a result of the NPT, notwithstanding fears widely held during the 1960s that as many as 25-30 nations would have nuclear weapons integrated into their arsenals

by the end of the 1970s, the international community has been largely successful in preventing the spread of nuclear weapons. While, the International Atomic Energy Agency reports that the number of nations possessing the technological capabilities to produce nuclear weapons has grown to more than seventy, only a handful have crossed the nuclear threshold.

The success of the NPT is no accident. It is rooted in a carefully crafted core bargain: In exchange for a commitment from the non-nuclear weapon states parties never to develop or otherwise acquire nuclear weapons and to submit to international safeguards intended to verify compliance with this commitment, the nuclear weapon states (the United States, Russia, the United Kingdom, France and China) promised in NPT Article IV unfettered access to peaceful nuclear technologies and pledged in Article VI to engage in disarmament negotiations aimed at the ultimate elimination of their nuclear arsenals. It is this basic bargain that for the last three decades has formed the central underpinnings of international nuclear nonproliferation efforts.

The NPT regime should not be taken for granted. When it was negotiated, the NPT was given a twenty-five year lifespan, with an option for either a permanent, incremental or no extension thereafter. In 1995, twenty-five years after its entry into force, the international community faced the choice of either extending the Treaty indefinitely or extending it for a fixed period or periods, which could have led to its eventual termination. Despite the Treaty's success in stemming proliferation, in 1995 a significant number of key non-nuclear weapon states were dissatisfied with the progress made by the nuclear weapon states in fulfilling their Article VI side of the bargain. As a result, many were reluctant to accept a permanent NPT for fear that a permanent NPT would remove the incentive for the nuclear powers to reduce their arsenals.

In order to ameliorate this concern, the NPT states parties at the 1995 Review and Extension Conference negotiated an associated consensus agreement, called the Statement of

Principles and Objectives for Nuclear Non-Proliferation and Disarmament, intended to strengthen the regime and, politically if not legally, condition the extension of the Treaty. The Statement pledged the NPT states parties to work toward a number of objectives, including among others, universalization of NPT membership, a reaffirmation of the Article VI commitments of the nuclear-weapon states to pursue in good faith measures related to eventual nuclear disarmament, the completion of the Comprehensive Test Ban Treaty by the end of 1996, the commencement of negotiations for a fissile material cutoff treaty, efforts by the nuclear-weapon states to reduce global nuclear arsenals, the encouragement of the creation of new nuclear-weapon-free zones, an enhanced verification system, and further steps to assure the non-nuclear-weapon states against the use or threat of use of nuclear weapons (a reference to legally binding negative security assurances). With these commitments, the successful effort to make this crucial Treaty permanent – specifically the unanimous support generated for this outcome – was a singular victory for the nuclear nonproliferation regime. But this consensus has proven to be a fragile one.

By the time the international community gathered last April to review the progress of the States Parties in implementing the Statement of Principles and Objectives, non-nuclear weapon states were again uncomfortable with the commitment of the nuclear weapon states to their NPT obligations and to the obligations accepted in 1995. To some degree, this criticism was directed primarily at the United States. France, Russia and the United Kingdom have all signed and ratified the CTBT. France has scaled back its SLBM force, completely eliminated its ground-based nuclear arsenal and dismantled its test site. The United Kingdom has reduced its arsenal of deployed strategic nuclear weapons to a level lower than that of any other NPT nuclear weapon state and has reduced the alert status of its remaining nuclear arsenal. And Russia has been

pressing for reductions in U.S. and Russian strategic nuclear arsenals to 1,500 weapons or lower, with some here in Moscow even urging the commencement of five-power discussions on strategic nuclear reductions.

But the United States does not deserve sole blame. The five-year period after the indefinite extension of the NPT witnessed numerous setbacks to the regime generated from a variety of sources, including nuclear tests in South Asia, the rejection of the CTBT by the U.S. Senate, a breakdown of international consensus on what to do about Iraq, Russia's reemphasis of the possible first use of nuclear weapons in connection with its revised nuclear doctrine, the stalled START process, etc.

Nevertheless, against this backdrop and after much poking and prodding, the states parties agreed to a Final Document that reaffirmed the core bargain of the NPT. Among the most important new commitments included therein was an agreement to an "unequivocal undertaking" by the nuclear-weapon states to accomplish the total elimination of nuclear weapons—without the usual references to "ultimate" or "general and complete" disarmament. And all States Parties present, including the United States, agreed that the ABM Treaty must be preserved and strengthened as the "cornerstone of strategic stability," making maintenance of the ABM Treaty an NPT-related commitment. Also, the NPT States Parties agreed in 2000 to maintain the nuclear test moratorium pending entry into force of the CTBT, making that an NPT-related commitment as well.

So, once again, the states parties pulled a rabbit out of the hat, holding the NPT regime together by paste and a promise. But how much longer can this last? Each time, it gets harder and harder to promise enough to demonstrate the commitment of the nuclear weapon states to hold up their end of the deal. Each time the cost of holding the regime together – as the non-

proliferation regime continues to drift, seemingly with no rudder – gets higher and higher. Again my thoughts return to Jonathan Schell's article. Indeed, today we may be at a fork in the road, with two possible paths to take. One leads to a highly proliferated world in which dozens of countries have nuclear weapons in the near term and countless more down the road. The other leads to a strong and vital nuclear non-proliferation regime, with the international community largely committed to and united around the effort to prevent the spread of nuclear weapons. Despite its traditional leadership of non-proliferation efforts, it is no longer clear that heading down that second path is U.S. policy. The Senate's rejection of the CTBT, political statements opposing its ratification, and the missile defence debate seem to suggest unwillingness on the part of the United States to lead efforts to strengthen the regime.

For those that support a unilateralist course of action, the cost of maintaining the non-proliferation regime may seem to be too high. To some, perhaps primarily in the United States—but also to some extent in others of the nuclear weapon states—membership in the variety of international instruments associated with the NPT regime, the negotiation of additional treaties and the constraints that will inevitably be associated with them, efforts to move toward significant reductions in nuclear arsenals, suggestions from NATO allies that NATO should move to a core deterrence policy and forswear the first use of nuclear weapons, and a decision not to pursue politically popular strategic defensive systems is a high price to pay for non-proliferation. But is that price too high? Perhaps. But the one thing that is increasingly evident is the reality that the nuclear weapon states cannot have their cake and eat it too. If they do not want to pay that price then the international community can expect to continue to drift inexorably down the path toward a widely proliferated world. And don't think I have exempted Moscow

from this reluctance to pay the full price for a strong NPT regime, evidenced by its adoption of a first use doctrine that could be contrary to NPT-related commitments.

In my view, a widely proliferated world would be a nightmarish situation for both our countries, but particularly for Russia. Imagine the security challenges posed by as many as six or eight states with nuclear weapons bordering Russia. Every conflict on its borders would carry the potential to go nuclear. But if this is the path on which we will ultimately travel, than we must be prepared to cope with the new security challenges associated with it. These will be complex and different for each nation. For the United States this could include re-evaluating its fundamental strategic interests, broadening its list of potential targets for nuclear weapons, fielding a larger, more diverse nuclear arsenal and testing new types of nuclear weapons.

But if a world in which every conflict means the potential for nuclear war is not what we want, then we must take steps to avoid it. The international community must work to convince the nuclear weapon states, particularly the United States and Russia, that strengthening the NPT is the right course. That means making good on the promises made in 1995 and 2000. That means bringing the CTBT into force and continuing to work towards its implementation. It means working to achieve full implementation of the enhanced IAEA safeguards developed in response to concerns about verifying non-nuclear weapon states' compliance with their NPT obligations that arose as a result of events in Iraq and North Korea. These enhanced safeguards would enable the Agency to use (among other things) environmental monitoring techniques to detect trace amounts of residue left behind during the enrichment of uranium and the manufacture of plutonium. For these safeguards to be implemented, however, states are required to sign and ratify an Additional Protocol to their IAEA safeguards agreements. To date, fewer

than 20 nations have done so. The United States and Russia should take the lead in encouraging progress in this regard.

Strengthening the NPT regime also means jumpstarting negotiations in Geneva for a fissile material cut-off treaty. Just as the CTBT was the only objective given a specific timeline for completion in the 1995 Statement of Principles and Objectives, the 2000 Final Document set 2005 as a target date for completion of a FMCT. Meeting this goal will be difficult, but the five nuclear weapon states should make every responsible effort to achieve it.

It means continued U.S.-Russian cooperation on expanding and improving programs intended to secure nuclear materials and expertise in the former Soviet Union. In this context it is important to finally implement the U.S.-Russian agreement on the elimination of 34 tons of weapons grade plutonium for each country. The danger of excess nuclear weapons material falling into the hands of unstable regimes and terrorist or fanatic organizations is too great to act otherwise.

It means honouring NPT Article IV commitments to promote the peaceful uses of nuclear energy and to assist non-nuclear weapon states in their utilization of these technologies consistent with non-proliferation commitments. One way to do this could be to promote the global development of proliferation-resistant nuclear energy technologies. One such technology could be the use of thorium-based fuels for nuclear power plants. These fuels may have a role to play in promoting nuclear power as an alternative to fossil fuels. Power plants using thorium-based fuels produce significantly smaller and less toxic amounts of nuclear waste which cannot be reprocessed to gain fissile material for nuclear weapons. Facilitating the use of technologies such as this could help to sever the link between nuclear energy and nuclear weapons while at the same time fulfilling NPT Article IV obligations.

It means the United States and Russia should pursue deep, verifiable and lasting cuts in strategic nuclear arsenals. The Russians have proposed reductions to as few as 1,500 strategic nuclear warheads. The United States has thus far not accepted this offer, but President Bush indicated during the campaign his willingness to undertake unilateral reductions in strategic nuclear arsenals to perhaps lower than START II levels. If the NPT regime is to be preserved, it will be important for the United States and Russia to reduce their arsenals to the lowest possible levels and for the other nuclear weapon states to be drawn into the process. The strategic nuclear arms reduction process should begin to move toward a five power negotiation with a target of verifiably reducing U.S. and Russian strategic arsenals to levels in the low hundreds, to levels below 100 for Britain, France and China, and to zero for the three so-called "threshold states", but with their fissile material stored on their territory under IAEA safeguards as a hedge against failure of the agreement. An essential element of this would be for all the non-nuclear weapon states to pledge again their non-nuclear status and agree to joint action – perhaps even possible military action – in response to any violations of this regime.

It means the United States, NATO, Russia and the rest of the nuclear weapon states should adopt core deterrence postures similar to those advocated by the Canberra Commission and the Tokyo Forum whereby the sole role of nuclear weapons would be to deter the use of other nuclear weapons. By adopting policies that they would under no circumstances be the first to introduce nuclear weapons into a conflict, the nuclear weapon states would eliminate potential inconsistencies between their policies on the potential use of nuclear weapons on the one hand and the negative security assurances made in conjunction with the extension of the NPT (whereby the nuclear weapon states in a commitment central to the ongoing viability of the NPT pledged in 1995 in effect never to use nuclear weapons against non-nuclear weapon states parties

to the NPT, now some 182 countries) and with protocols to the various nuclear weapon free zone treaties on the other hand (whereby the nuclear weapon states pledged never to use or threaten to use nuclear weapons against parties to those treaties, now some 110 countries). These policies would strengthen the NPT regime by helping to reduce the political prestige value of nuclear weapons, thereby helping to remove one of the principal motivations for proliferation.

Taken individually, no one of these steps would have much impact on the important objective of reducing the salience of nuclear weapons. But taken together and in concert, such steps can help the nuclear weapon states – principally the United States and Russia – to communicate to non-nuclear weapon states that they are prepared to move away from over-reliance on nuclear weapons. After all, if the world's most powerful nations believe this need nuclear weapons to deter attacks with other than nuclear weapons, how can weaker states conclude otherwise. By adopting core deterrence postures and foreswearing the option of first use of nuclear weapons, reducing nuclear arsenals to the lowest level required to deter nuclear attack, ending the production of weapons usable fissile material, and eliminating excess stockpiles of this material, the United States and Russia would be taking a potentially decisive step towards reducing the salience of nuclear weapons.

Of course, these steps cannot be taken in a vacuum—without improving the overall strategic relationships between the principal players, namely Russia, the United States and China. It is difficult for China to contemplate reductions in its strategic nuclear arsenal if U.S. missile defence deployment muddies its strategic relationship with the United States or if a conflagration involving Taiwan does the same. If further NATO expansion or NMD deployment upsets U.S.-Russian relations, Moscow and Washington could be reluctant to proceed with some of the steps I have outlined. And China must strictly abide by its non-proliferation commitments

while Russia must positively resolve the issue of its cooperation with Iran for Moscow, Washington and Beijing to work together constructively. But working together to take the steps I have outlined would help to develop the cooperative relationships and environment required to address these underlying concerns.

At this crucial juncture it is important for the leadership of the United States and Russia to look at the present situation objectively and carefully choose those steps required to promote international peace and stability. If, as I would argue, a strong NPT regime is infinitely preferable to a widely proliferated world, then we must be prepared to take the steps necessary to bring that about. Otherwise, it is time to begin to prepare ourselves to deal with the alternative.