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U.S. National Security Policy: the Road Ahead

Ambassador Thomas Graham, Jr.
President, Lawyers Alliance for World Security
Stanford, CA
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Thank you for inviting me to speak today. I think this is now the third consecutive year that I have addressed this group. It is always enjoyable for me. Today, I want to speak about how the United States should view national security in the still emerging post-Cold War environment. In the context of the threat of the proliferation of weapons of mass destruction, particularly nuclear weapons, being the overriding threat to our security, we should have a discussion, a debate, about what is – and more importantly what is not – in our nation's fundamental interest. This should be a debate about our nation's role in the world; about how our friends and foes see us and about how we see them. And about how – working with the world or without it – to address the ever-present danger of the spread of weapons of mass destruction.

In thinking about these issues, I am reminded of Jonathan Schell's article last year in *Foreign Affairs.* He argued in that article that, for some problems, the solution lies "outside the bounds of contemporary political acceptability"; that is to say that sometimes the right approach seems politically untenable and, as a result, we choose instead an ostensibly more attractive middle course. But the politically easy answer may carry unspeakably dangerous consequences. He argued that such was the case when the allies chose appeasement of Nazi Germany over resolute

opposition to Hitler's aggression. So too was the case, he argued, when, refusing to choose between a full occupation of and a full withdrawal from Vietnam, the United States chose a path that led us down the slippery slope of gradual escalation, with disastrous consequences.

Schell argues that we are at another such juncture today, that the world has reached the point where – under U.S. leadership – it must chose between a world free of nuclear weapons and a widely proliferated world. Failing to chose, the choice will be made for us. He suggests – in my opinion, not entirely without merit – that the prevailing notion that we must take every effort to stop the spread of nuclear weapons while simultaneously holding onto a robust nuclear deterrent is inherently contradictory. Somehow that contradiction must be addressed.

Schell argues that there is no middle road to take here; that if we are to prevent the spread of nuclear weapons we must be prepared to eventually give up our own weapons under appropriate arrangements and that if we cannot give up our own than we must be prepared to live in a world in which every nation that can acquire nuclear weapons does.

I am not certain that I would go so far as to say that we must chose between nuclear disarmament and the rampant spread of nuclear weapons. But I do agree with his premise that we are at a crucial juncture in the world's relationship with nuclear weapons, and that a decision is required, or it will be made for us. In my judgment, our approach to nuclear arms control and nonproliferation has drifted so much in recent years that we are now at a point where we must make a conscious choice between, on the one hand, a widely proliferated world in which some thirty or more nations have nuclear weapons and begin to develop plans to try to manage that world, or, on the other hand, a strong, vigorous, effective nuclear nonproliferation regime and do what we need to do to achieve such a regime.

There can be no underestimating the importance of this decision. The principal threats to U.S. security center today not on risks posed by powerful nation states, but on the weakness of a state such as Russia and on transnational concerns such as terrorism, economic instability, wide-scale poverty and disease, and environmental degradation. These conditions reinforce the central threat to our security, the danger associated with the spread of nuclear weapons to unstable countries, terrorist organizations, religious cults and the like. 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."

For more than thirty years, the Nuclear Nonproliferation Treaty, the NPT, has been a firm bulwark against this threat. As recently as last year, U.S. Secretary of State Madeleine Albright referred to the NPT as "the most important multilateral arms control agreement in history". As a result of the NPT, notwithstanding fears widely held during the Kennedy administration 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 – today some 182 nations – 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 U.S. nuclear nonproliferation strategy.

The success of 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 that would lock them into what they saw as an inherently discriminatory regime. While the NPT explicitly does not legitimize the arsenals of the nuclear weapon states, many non-Western states were concerned 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 U.S. nuclear nonproliferation policy. But that consensus would prove 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. China has long maintained the most minimalist of nuclear deterrents. And Russia has been pressing for reductions in U.S. and Russian strategic nuclear arsenals to 1,500 weapons or lower, with some in Moscow even urging the commencement of five-power discussions on strategic nuclear reductions.

But the United States does not deserve sole blame. Indeed, the five-year period after the indefinite extension of the NPT and before the 2000 NPT Review Conference witnessed numerous setbacks to the regime generated from a variety of sources. These included nuclear tests in South Asia, the rejection of the CTBT by the US Senate, the drive toward U.S. deployment of a national missile defence that might require the violation or abrogation of the 1972 ABM Treaty, Russia's reemphasis of the possible first use of nuclear weapons in connection with its revised nuclear doctrine, the stalled START process, etc. The list goes on.

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 in the 2000 Final Document was agreement to an "unequivocal undertaking" by the nuclear-weapon states to accomplish the total elimination of nuclear weapons. This commitment lacked all of the previous references to "ultimate" or "general and complete" disarmament, which had in the past served to limit or condition the undertaking by the nuclear-weapon states to pursue nuclear weapon elimination. Interestingly, all States Parties present, including the United States, agreed as well that the ABM Treaty must be preserved and strengthened as the "cornerstone of strategic stability". This language is the same as that in the 1997 Helsinki Agreement on further nuclear arms reductions and, while its precise interpretation differs among the NPT parties, it is clear that the Final Document makes maintenance of the ABM Treaty an NPT-related commitment. Also, the NPT States Parties agreed in the Final Document to maintain the nuclear test moratorium pending entry into force of the CTBT.

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 our commitment to hold up our end of the deal. Each time the cost of holding the regime together – as U.S. non-proliferation policy continues to drift, seemingly with no rudder – gets higher and higher. And again my thoughts return to Jonathan Schell's article.

Indeed, we may be today at a fork in the road, with two possible paths to take. One could lead us to a highly proliferated world in which several tens of countries have nuclear weapons in the near term and countless more down the road. And the other path 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 our traditional leadership of non-proliferation efforts and our specific and tangible interest in the success of those efforts, it is no longer clear that heading down that second path is U.S. policy. The Senate rejection of the CTBT, political statements opposing its ratification, and testimony on the need to deploy promptly a national missile defence which would include space-based elements, for example, suggest a unilateralist approach to U.S. security.

For those that support a unilateralist course of action, the cost of maintaining the non-proliferation regime may now be too high. To some, our 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 on our part 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 we cannot have our cake and eat it too. If we do not want to pay that

price – that is if we do not take the steps required to strengthen the NPT regime – then we can expect to continue to drift over time inexorably down the path toward a widely proliferated world.

In my view, this would be a nightmarish situation for U.S. security. 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. We would then need to re-evaluate our fundamental strategic interests to reconsider our criteria for interventions aboard. Perhaps we would need to broaden our list of potential targets for nuclear weapons, field a larger, more diverse nuclear arsenal and return to the testing of new types of nuclear weapons.

But if a world in which every conflict has the potential to go nuclear is not what we want, then we must take steps to avoid it. We must strengthen the NPT. That means making good on the promises made in 1995 and at the 2000 Review Conference. That means the United States should ratify the CTBT, continue to work towards is implementation and pursue its entry into force. In this regard, the new administration should consider seriously the recommendations put forth by General Shalikashvili in his report to President Clinton and Secretary Albright as a potential basis of bipartisan domestic support for ratification.

The United States should also work to achieve full implementation of the IAEA's enhanced safeguards. 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, the IAEA developed an enhanced safeguards protocol that 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 subsequently ratify an

Additional Protocol to their IAEA safeguards agreements with the Agency. To date, fewer than 60 nations have signed such a Protocol and only 18 such agreements have entered into force. The United States should take the lead in encouraging progress in this regard.

It will also be important for the United States to work with the Conference on Disarmament to jump start negotiations 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, demonstrating its importance to the international community, the 2000 Final Document set 2005 as a target date for completion of a FMCT. Meeting this goal will be difficult, but the United States should make every responsible effort to achieve it.

The United States should continue to work with the Russian government to expand and improve programs intended to secure nuclear materials and expertise in the former Soviet Union. 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.

The United States should be mindful of its obligations under NPT Article IV 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. For example, the amount of plutonium discharged by reactors utilizing thorium-based fuels is small and composed of several isotopes that make the plutonium by-products unfit for weapons use. And thorium-based fuels are the optimal method of destroying existing stockpiles of reactor-grade plutonium and the best means to get rid of highly enriched uranium from dismantled bombs. Facilitating the use of this and similar technologies could help to sever the link between

nuclear energy and nuclear weapons while at the same time fulfilling NPT Article IV obligations.

The United States and Russia should also pursue deep cuts in strategic nuclear arsenals. The Russians have proposed reductions in the context of a START III agreement to as few as 1500 strategic nuclear warheads. The United States has thus far rejected 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 commitment.

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, the National Academy of Sciences and the Tokyo Forum whereby the sole role of nuclear weapons would be to deter the use of other nuclear weapons. By adopting policies pursuant to which 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 and with protocols to the various nuclear weapon free zone treaties on the other hand. And 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.

And finally, the United States should not unilaterally discard, violate or abrogate the 1972 Antiballistic Missile (ABM) Treaty, nor should the United States deploy a national missile defence over the objections of Russia, China and the European and Asian allies. The world over, as the Final Document agreed upon at the 2000 NPT Review Conference confirmed, the ABM Treaty is considered the cornerstone of strategic nuclear limitations and reductions. The consequences of discarding it and deploying NMD would likely be very damaging to the non-proliferation regime. Senior Russian officials have suggested that Moscow could withdraw from the INF Treaty and the START Treaties and keep all their strategic systems on hair trigger alert indefinitely, the last thing the United States should want given the declining Russian early warning capabilities.

And undermining the nuclear arms reduction process would negatively affect the non-nuclear weapon states' commitment to the NPT. As President Chirac noted last month, NMD deployment "cannot fail to relaunch the arms race in the world." This is a particularly salient point in light of Chinese concerns about NMD deployment. Given the fact that Beijing views even the most limited of NMD systems as a threat to its minimalist nuclear deterrent, China has indicated that it would likely expand its strategic arsenal by up to a factor of ten. China would likely 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. It almost goes without saying that if China expands its nuclear arsenal or resumes testing, India,

and subsequently Pakistan, are all but certain to follow suit. 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 and to challenge the legal validity of U.S. space systems.

In short, at this crucial juncture it is important for the new U.S. leadership to look at the present situation objectively and carefully choose those steps required to protect America's interests. 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.