



A New Nuclear Order: The Need for Introspection in U.S. Nonproliferation Policy

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In a speech at the National Defense University on 11 of February 2004, President George W. Bush proposed a series of steps to upgrade the nuclear non-proliferation regime.^[1] While he may have outlined the nuclear non-proliferation agenda for the next 25 years, what is missing is an introspective attitude.

After the disclosures of the secret nuclear weapons programs in North Korea, Iran and Libya, the nuclear non-proliferation regime is more than ever on the brink of collapse. Colonel Khadafi accelerated the process. Last December, after nine months of secret negotiations with the US and the UK, he agreed to halt all Libyan weapons of mass destruction programs in exchange for breaking up the isolationist situation in which the country had positioned itself. Economic recovery and consequently the political survival of the regime are the drivers behind this move. Many observers were surprised by the extent of the network behind the Libyan nuclear program. It not only pointed to the Pakistani metallurgist Dr. A.Q. Khan, but also to private entities in Malaysia, Dubai, China and Western Europe. The knowledge to build nuclear weapons is far more widespread than previously known.

The biggest difficulty in producing a nuclear weapon consists of acquiring the necessary amount of fissile material—highly enriched uranium or plutonium—as well as the knowledge to weaponize it. Much of that information is now available on the Internet or on sale on the black market. The worst-case scenario is that terrorist organizations like Al Qaeda get their hands on it. Unlike using it as deterrent, catastrophic terrorists will simply use it as an ordinary weapon, possibly causing a man-made disaster on a scale that has never been seen before.

That is why Bush recently proposed doing everything that is possible to make the lives of potential proliferators—both state and non-state actors—much more difficult. "We will stop these weapons from being acquired or built. We'll block them from being transferred. We'll prevent them from being used," he promised.^[2] More in particular, he asked to expand both the Proliferation Security Initiative and the Cooperative Threat Reduction program. The latter, which attempts to secure the Russian nuclear legacy, is the successor of the Nunn-Lugar program that was established in the beginning of the nineties. The former is an initiative by Bush in May 2003 that aims at preventing the export of sensitive nuclear materials by intercepting ships and by denying suspicious aircraft overflight rights. In his latest initiative, Bush also called for a Security Council resolution requiring states to criminalize proliferation.

Bush's most far-reaching and controversial proposal was to forbid states from acquiring enrichment and reprocessing equipment, unless they already possess the knowledge and the infrastructure for enrichment and reprocessing, which is for instance not the case for Iran. It would set a ceiling on the number of states that would be able to produce nuclear weapons indigenously. In addition, Bush proposed that states that would like to get help for their civilian nuclear programs first be required to ratify the Additional Protocol of the International Atomic Energy Agency (IAEA). In exchange, he asked the nuclear suppliers—the forty members of the Nuclear Suppliers Group—to guarantee the rest of the world reasonably priced nuclear fuel.

This initiative should be welcomed. The Nuclear Non-Proliferation Treaty (NPT) has indeed, as Bush said, "a loophole which had been exploited by nations such as North Korea and Iran." More in particular, proliferating states "are allowed to produce nuclear material that can be used to build bombs under the cover of civilian nuclear programs."^[3] Under the treaty, they are obliged to declare their programs to the IAEA. But in case they do not and as long as they are not caught, non-nuclear weapon states can in principle build nuclear weapons in secret, and withdraw from the treaty once they succeed. That is what North Korea did, or at least what it tried to make us believe it did.

There are, however, some substantial caveats with Bush's recent initiative. The first and foremost problem is that his proposals go against the spirit of the NPT, which is even by the US still recognized as being the cornerstone of the nuclear non-proliferation regime. The NPT, which was signed in 1968, was a deal between the five existing nuclear weapon states that were recognized as such in the treaty—the United States, the Soviet Union, China, France and the United Kingdom—and the other countries of the world. The latter would sign the treaty as Non-Nuclear Weapon State (NNWS) and promise not to acquire nuclear weapons. At the same time, under Article 4 of the treaty, the Non-Nuclear Weapon States were promised help with their civilian nuclear programs. Although this provision was at that time inserted as a result of a request by European non-nuclear weapon states like Germany and Belgium, nowadays countries like Brazil, Egypt and South Korea have a particular interest in this quid pro quo. The recent proposals undermine the deal as they add obligations for the NNWS. This reasoning applies at least indirectly, as Bush is playing the card of the Nuclear Suppliers Group, knowing very well that the NPT itself cannot be amended.

What is neglected in this discussion is the second part of the NPT deal. The NNWS only agreed to abstain from acquiring nuclear weapons because the NWS agreed to dismantle their nuclear weapons in turn.^[5] This promise, articulated in article 6 of the NPT, became even more prominent when the treaty was extended indefinitely in 1995. The NNWS agreed at that time on the condition of "the determined pursuit by the NWS of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons." At the 2000 NPT Review Conference, this language was further strengthened.

Nevertheless, there are nowadays, according to numbers provided by IAEA Director El Baradei, still 30,000 nuclear weapons on earth. One can wonder how "determined" the pursuit by the NWS is to eliminate their nuclear weapons. Bush did not say anything on this account in his recent remarks. While gradual reductions in the force structure of the former superpowers are taking place, it is clear that the political will to eliminate the nuclear weapons arsenals simply does not exist. The Bush administration is for the first time even spending money for the development of new types of nuclear weapons, namely for nuclear bunker-busters and mini-nukes. This is completely at odds with article 6 of the NPT. As a result, if the NWS do not fulfill their obligations, why should the NNWS agree with theirs—let alone assume additional ones? Last but not least, if reprocessing is such a sensitive thing, would it not be in the interest of the United States to lead by example and halt its own reprocessing plans?

Second, the double-standards criticism can be expanded. It is one thing to ask others to ratify the Additional Protocol of the IAEA. But what about the United States itself? After having unjustifiably

criticized the IAEA on different occasions, the Bush administration only submitted the 1997 Additional Protocol to the Senate in 2002. Although the Protocol was already signed by the Clinton administration in 1998, it was only ratified on March 31, 2004. When submitting it to the U.S. Senate, the Bush administration added a national security exclusion prohibiting inspections of US nuclear weapons activities and restricted inspections at its civil nuclear energy program in case there is "direct national security significance." Even private American nuclear companies can object to the IAEA inspections.[6] This undermines not only the spirit of the Additional Protocol, but calls into question the credibility of the recent Bush proposals. The same logic applies to the Cooperative Threat Reduction program whose funding has been cut by ten percent in the 2005 budget request. And if Bush wants to criminalize proliferators, why not start with Khan, the godfather of the Pakistani atomic bomb, who has admitted selling sensitive nuclear weapons materials and blueprints to countries like North Korea, Iran, and Libya?

To conclude, talking about compliance and strengthening export-controls is already a step forward in comparison with a doctrine that focuses on pre-emptive or preventive strikes. This move can be partially explained by the presidential elections and difficulties the United States is facing in Afghanistan and Iraq. But fundamentally, the Bush administration still does not believe that arms control does control arms, as Colin Gray once prosaically stated.[7] The Bush administration likes to "cherry pick" treaties and protocols, or more accurately articles in treaties and protocols. It omits, un-subscribes, or abolishes those that constrain the power of the United States.

If the goal is to strengthen the nuclear non-proliferation regime in a credible way, the new deal should be a combination of the Bush proposals on the one hand and a clear commitment, including a timetable, on behalf of the nuclear weapon states for nuclear elimination on the other. The idea of nuclear elimination is mostly regarded as naive and unrealistic. The fact that people like physicist and Nobel Peace Prize Winner Joseph Rotblat,[8] former Secretary of Defense McNamara,[9] former head of U.S. Strategic Command General (retired) Lee Butler,[10] and IAEA Director El Baradei,[11] see it as the only realistic option, does apparently not provoke a change of minds. To think that a several states can forever maintain thousands of nuclear weapons, many on alert, without accidents and without further proliferation, including crossing the threshold of nuclear terrorism, seems even more idealistic.

Now is the time to rethink the nuclear order. Secretary of Defense Les Aspin, while in office, tried, but failed because of bureaucratic inertia.[12] Now is the time to try again.

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