NONPROLIFERATION AND ARMS CONTROL

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by Lawrence Scheinman**ABSTRACT**

Reflecting on the state of nonproliferation and arms control at the beginning of the second post-cold war decade, one reaches a mixed conclusion. On the one hand, any review of developments in these arenas since the fall of the Berlin Wall shows a remarkable run of positive events, including the indefinite extension of the NPT, the strengthening of the safeguards system by the IAEA, a decision to extend the Comprehensive Test Ban Treaty (CTBT) indefinitely in 1996, and a stream of bilateral and multilateral arms control agreements and unilateral initiatives of the early 1990s. However, since the mid 1990s, the record both in non-proliferation and arms control has taken a downward turn. The contrast between the earlier and later 1990s reflects changes in the international environment and in national perceptions of security and threat. International relations turned out to be more complex and more dangerous after the cold war than during it. With the end of the cold war came the end of the disciplines that it had imposed on international politics and security. Decentralization replaced bipolarity, political relationships became more diffuse, and the nature and source of threat more diverse. Older solutions to older problems are being increasingly questioned in terms of their relevance to new threats. However, it must be understood that deterrence and defense forestall or defeat threats to national security; arms control works to remove the threats in the first instance. Maintaining and strengthening effective arms control that meets this criterion is and will remain a challenge as we move forward.

POSITIVES

Reflecting on the state of nonproliferation and arms control at the beginning of the second post-cold war decade, one reaches a mixed conclusion. On the one hand, any review of developments in these arenas since the fall of the Berlin Wall shows a remarkable run of positive events. In nonproliferation, the Nuclear Non-Proliferation Treaty (NPT) which had an initial term of twenty five years was, in 1995, extended indefinitely. By 1998 only four states (India, Israel, Pakistan and Cuba) remained outside the treaty, making it the most widely subscribed to arms control treaty in history. France and China, for many years non-parties, joined in 1992. The breakup of the Soviet Union created a situation of instant proliferation with nuclear weapons in the hands of Belarus, Kazakhstan and Ukraine. All three, however, relinquished control over nuclear weapons on their territory, repatriated them to Russia, signed the NPT and negotiated full-scope safeguards agreements with the IAEA. South Africa, Argentina and Brazil, other important hold-out states also became parties, the former after having acknowledged construction and subsequent dismantlement of a half dozen nuclear weapons in the late 1960s and making a full accounting of all of its nuclear material to the satisfaction of the IAEA.

In the wake of revelations of Iraq's clandestine nuclear weapons program, the member states of the IAEA moved to strengthen the safeguards system to substantially increase the probability of detecting clandestine nuclear activity in safeguarded states in the future. And by giving unanimous backing for severe and far-reaching disarmament measures for all weapons of mass destruction in Iraq, the members of the United Nations Security Council demonstrated the will to take enforcement action in support of non-proliferation norms. The Council's subsequent assertion that proliferation of weapons of mass destruction would be regarded as a threat to international peace and security laid a foundation upon which collective enforcement of compliance actions could be built if the political will to do so could be maintained.

Negotiations on a Comprehensive Test Ban Treaty (CTBT) were concluded in 1996 as called for by the decision on Principles and Objectives agreed by the parties to the NPT in conjunction with the decision to extend the treaty indefinitely, and opened for signature that September. This was only the latest in a stream of bilateral and multilateral arms control agreements and unilateral initiatives of the early 1990s including the START treaties negotiated by Washington and Moscow, the reciprocal withdrawals by the two superpowers of tactical nuclear weapons to their national territory (to be reduced by half and two-thirds respectively), the abatement or cancellation of a number of nuclear weapon development programs by most of the nuclear weapon states, the Treaty on Conventional Forces in Europe (CFE) and its follow-on, and the Chemical Weapons Convention of 1993 which filled in the gaps of the 1925 Geneva Protocol by foreclosing development, production, transfer as well as use of chemical weapons. As well negotiations started on a verification protocol for the BTWC to be concluded before the end of 2001.

Complementing these treaties and conventions were a number of other novel type arrangements (the U.S. Cooperative Threat Reduction program and more recently the US-European Non-Proliferation and Disarmament Cooperative Initiative) aimed at assisting the Russian Federation and other former states of the Soviet Union in the safety, security and dismantlement of nuclear, chemical and other weapons including strategic delivery vehicles. Achieving agreements to ensure that cold war residues such as nuclear materials, technology or expertise not fall into the wrong hands, and that strategic arms reduction agreements not end up creating proliferation problems, has been a continuous and positive aspect of arms control/ nonproliferation efforts over time.

NEGATIVES

If, as is the case, the CTBT (characterized by former President Clinton at the time of its opening for signature as the 'longest sought, hardest fought-for treaty in history) was a major achievement of the last decade, it was also the last significant agreement to be reached in arms control and non-proliferation. Nor has it entered into force. Several key states needed for that to occur have yet to sign, and more ominously, failure of the U.S. Senate to give its advice and consent has precluded, for now, U.S. ratification. Although implementation of most agreements continues, others languish, caught in a labyrinth of competing political, security and economic interests and agendas driven in part by perceptions of increasing complexity in the post cold war political/security environment. For example, START II which was ratified by the U.S. Senate in 1996 was not acted upon by the Russian Duma until May, 2000. For Moscow, however, entry into force was conditioned on U.S. Senate approval of protocols to START II agreed in 1997 including a memorandum of understanding regarding successor states to the Soviet Union for purposes of the ABM Treaty (ABMT). Duma ratification legislation also provided that if the United States withdrew from ABMT, Russia would have the option to withdraw from START II. The Clinton Administration did not submit the 1997 agreements to Senate consideration because of the virtual certainty that they would be rejected because the ABM treaty was seen to impede development of a missile defense that many in the Senate favor.

Indeed, since the mid 1990s the record both in non-proliferation and arms control has taken a downward turn much like the U.S. stock market in the last half year. Not only the events mentioned above, but also the collapse of the United Nations Special Commission on Iraq with the refusal of Baghdad to continue cooperating with the inspection system (replaced with UNMOVIC which, however, still has not been able to become operational in Iraq) and differences emerging among the P5 on how to deal with Iraq, and the conducting of nuclear tests in May, 1998 by India and Pakistan took the bloom off the rose of arms control and non-proliferation successes earlier in the decade. The question is whether and what functional equivalents to interest rate reductions, lowering taxes and other measures used to combat financial market doldrums exist to address this challenging situation. We will return to that question below.

As indicated, although cooperative threat reduction activities, including a plutonium production reactor agreement in 1997 and a plutonium disposition agreement in 2000, as well as agreements on strategic stability and on a Joint (Missile) Data Exchange Center have been concluded between the United States and the Russian Federation, there have been no further major bilateral arms control agreements reached between them since START II despite an effort to jump-start the process at the 1997 Helsinki summit where the parameters of a projected START III were outlined. Domestic developments in both states, not conducive to further arms control, were largely to blame for this turn, as were heightened threat perceptions in Washington regarding WMD/ballistic missile proliferation and deepening concern in Russia regarding that nation's slide into inferiority and isolation in the face of NATO expansion , U.S. air strikes against Iraq, and NATO bombing in the Kosovo campaign.

The international community's sole multilateral forum for negotiating arms control and disarmament, the Conference on Disarmament (CD) has fared no better and perhaps even worse. Since completing negotiation of the CTBT in 1996, it has been unable to agree a work program which is the basis upon which the CD operates. Pursuant to a 1993 General Assembly resolution calling for the negotiation of a non-discriminatory and effectively verifiable treaty banning the production of fissile material for weapons or other explosive devices, the CD appointed a special coordinator to develop an appropriate negotiating mandate for a fissile material cutoff treaty (FMCT). This was done in March 1995 and an ad hoc committee to negotiate was established, but did not begin to function because it was unable to agree on a chairman. The NPT Extension Conference called for immediate commencement and early conclusion of a cut-off treaty, regarding it as second in importance only to completion of a CTBT. The NPT parties well understood the arms control and disarmament significance of such a treaty being agreed and that along with the CTBT an FMCT would be a critical building block on the road to eventual nuclear elimination.

Implementation of the mandate has been thwarted as a consequence of linkages made by a few member states between opening FMCT negotiations and agreement on agendas they wish to pursue – in particular, establishing ad hoc committees on nuclear disarmament and on outer space. India was a principal mover on the former issue, China on the latter. China's position is that cut-off, outer space and nuclear disarmament are all related to security and are, therefore, inseparable; that missile defense systems currently under development pose a serious danger of outer space weaponization and a new arms race in outer space. Underlying the Chinese position is concern about the implications for Chinese security and the integrity of its deterrent capability of U.S. determination to pursue missile defense. The contrary U.S. view is that as there is no arms race in outer space and no prospect for one, outer space issues are not ripe for negotiation, and that while organized discussions, but not negotiations, on outer space and nuclear disarmament could be conducted, the already mandated negotiation of a fissile material cut-off treaty should be pursued without further delay. The main point is that the linkage of issues and holding progress on one hostage to agreement to make progress on another has led to the result that nothing gets accomplished.

CHANGING CONDITIONS

The contrast between the earlier and later 1990s reflects changes in the international environment and in national perceptions of security and threat. International relations turned out to be more complex and more dangerous after the cold war than during it. With the end of the cold war came the end of the disciplines that it had imposed on international politics and security. Decentralization replaced bipolarity, political relationships became more diffuse, and the nature and source of threat more diverse. The scope of proliferation concern expanded from the acquisition of nuclear capabilities to include chemical, biological and missile capabilities as well, while the sources of proliferation concern broadened beyond states to also include sub-state actors and terrorist groups.

Suppressed rivalries surfaced along with new tensions and gained increased salience not only in terms of regional stability and security but, given increasing interdependence among states and regions, in more global terms as well. Growing access to dangerous technologies and equipment associated with weapons of mass destruction and their means of delivery, in particular missiles, compounded the problem. This has led toward greater rather than lesser instability, and a sense of more rather than less risk that weapons of mass destruction may actually be used. As one observer has commented, with the end of the cold war we may have moved away from the threat of global annihilation but closer to the actual use of weapons of mass destruction. (Cite A. Sands)

Older solutions to older problems are being increasingly questioned in terms of their relevance to new threats. In the United States politically relevant forces who never were enthusiastic about arms control in the first place and always skeptical about the efficacy of multinational regimes and institutions, have gained influence. More comfortable with deterrence and defense than with arms control and regimes, and anxious to unshackle American power from the constraints of these uncertain institutions and arrangements partisans of this view have lobbied for missile defense and against treaties that would constrain the United States, in particular the Comprehensive Test Ban Treaty and the ABMT. Although the policy review process is still in train and final strategies not yet determined, the disposition of the current Administration in Washington seems to be inclined to focus less on formal arms limitation agreements anchored in binding instruments with strong verification measures, and more on determination of what is required to meet defined national security interests and to then unilaterally take steps to support those interests.

The difficulty, of course, is that unilateral measures are not legally binding, can be altered at will, and entail none of the verification arrangements that can serve to build confidence and stability. This approach to security discounts the adage that arms control is defense by other means; that its purpose is to augment security and is undertaken to serve that end and not as an act of altruism; and that it is not a substitute for all other means of seeking security – deterrence, defense, regime development – but a complement to them – a complement that can in the longer run return greater security dividends and greater confidence than can arms racing or more defenses. It also makes a questionable assumption that one can decouple arms control/ disarm-ament and non-proliferation without impairing the latter whereas the correlation between these two may in fact be stronger than appreciated. In this respect the traditional arms control agenda remains more relevant to the current international situation than one might think.

The Russian Federation for its part has backed away from its 'no first use' posture while also putting increased emphasis on tactical nuclear weapons to compensate for perceived conventional force inferiority, reversing a course earlier adopted in the context of the Bush-Gorbachev reciprocal unilateral measures of the early 1990s. At a minimum this demonstrates the limitations of informal, non-binding agreements from which any party can withdraw at will and even without notification. Slippage in meeting its obligations under the CWC for economic and related reasons to eliminate its substantial chemical weapons stockpile on the treaty-defined schedule that was set is another area of concern. There is also concern over alleged continued existence of elements of the former Soviet biological weapons program.

Moscow's cooperation with states along its southern tier involving not only nuclear assistance to Iran, but also missile cooperation; its shift in attitude on dealing with Iraq, and its interest in nuclear cooperation for peaceful purposes with India despite India's rejection of full-scope safeguards which the Nuclear Suppliers Group, with Russian support, endorsed as a condition precedent to new significant nuclear transactions, serve to weaken the foundations of nuclear non-proliferation laboriously constructed over the past several decades.

China presents a mixed picture. In arms control terms it sees itself as a junior nuclear weapon state and is reluctant to enter into arms reduction negotiations until the two major nuclear states have made very significant progress in their own disarmament process. At the same time China has been pursuing a program to modernize an aging nuclear force structure largely developed in the 1960s. It stands out, however, as the only nuclear weapon state that is increasing the size and scope of its arsenal. The extent of the modernization program will undoubtedly be a function of U.S. missile defense plans and how China evaluates the impact of those plans on its security. Indicative of how missile defense concerns can affect Chinese action in arms control related areas is its policy of linkage of FMCT negotiations to negotiating on preventing an arms race in outer space (PAROS) in the CD. It does not support, at present, transparency measures either with respect to its nuclear doctrine or the anticipated size and composition of its growing strategic nuclear force. An incipient arms control/non-proliferation dialogue begun with the United States in the mid 1990s was suspended after the bombing incident of the Chinese embassy in Belgrade in 1999 until the fall of 2000 when an informal meeting sponsored on the U.S. side by the Monterey Institute of International Studies involving non-governmental and government participants in their private capacity was held, and at which government to government contact was renewed.

China became much more centrally and constructively involved in multinational non-proliferation regimes in the last decade, joining the NPT, the CWC and the CTBT, embracing the normative assumptions of nonproliferation, and institutionalizing its undertakings through the adoption of national export control legislation and regulations. In the missile realm, however, while committing to abide by the parameters of the Missile Technology Control Regime, it is not a member and has continued to engage in international transactions seen by others as inconsistent with MTCR guidelines in particular through cooperation in dual use missile-related technologies with Pakistan and Iran. There is also a sense that in China's view nonproliferation is more of a problem for the United States as a country with global interests than for itself as a regional power and that it can use nonproliferation practice and behavior to leverage US policy on issues such as Taiwan or missile defense. The U.S. views such temptations as misguided and as overlooking not only the implications of interdependence for security and stability generally, but also the consequences for China of proliferation in the Middle East on whose oil exports it depends, or the costs to its security of militant separatists on its western borders acquiring access to nuclear weapons. At the very least, inconsistency in nonproliferation policy can raise questions about how reliable a nonproliferation partner China really is.

CHALLENGES AND OPPORTUNITIES

Despite the skepticism of some, the contributions of negotiated, legally binding and effectively verified arms control agreements to security and stability are widely understood. These need not be only means of arms control as both the unilateral reciprocal arrangements of the early 1990s and the cooperative threat program attest. But where possible legally binding and verified agreements ought to be preferred for the added value they provide. It is a given that the purpose of arms control is to further the achievement of national security, that it is not an end in itself or a moral good to be pursued for its own sake, and that it should not be seen isolation from other tools of foreign and security policy. Deterrence and defense forestall or defeat threats to national security; arms control works to remove the threats in the first instance. Maintaining and strengthening effective arms control that meets this criterion is and will remain a challenge as we move forward.

The contribution of multinational regimes to security and stability is also widely understood. If it were otherwise it would be difficult to account for the fact that 187 of a possible 191 states have adhered to the Nuclear Non-Proliferation Treaty which legally and politically commits the 182 of them that are non-nuclear weapon states to remain so while at the same time establishing a legal obligation for the five nuclear weapon state parties to end the nuclear arms race and negotiate in good faith on nuclear disarmament. Or for the fact that 174 states have signed the Chemical Weapons Convention outlawing use, possession or development of chemical weapons and destruction of all existing stockpiles or produced weapons; and that more than 160 states have signed the Biological Weapons Convention. Each of these instruments puts constraints on national behavior and more importantly contributes to establishing a normative base for collective response to violations.

This being said, it remains that the considerations discussed above under the heading of CHANGING CONDITIONS factor into state thinking regarding the reliability of regimes, the value of formal arms control arrangements, and the merits of focusing more on missile defense and if need be on the dismantling of agreements that would prohibit moving in that direction. This puts pressure both on multinational regimes and on traditional arms control strategies to demonstrate their credibility as means by which to sustain and strengthen national security. Multinational regimes in particular face a number of challenges five of which are briefly mentioned here: political commitment; prioritization; leadership; universality; and dealing with non-compliance. Whether these challenges are seen as reasons to eschew regimes in favor of alternative security strategies or as opportunities to strengthen existing instruments will determine the contours of the future.

POLITICAL COMMITMENT:

At a time when proliferation issues are becoming more complex and more challenging, an even higher level of political commitment to multinational regime institutions, rules and processes is needed. Inconsistency of support by major states and indication of absence of determination and differences among them regarding the salience of nonproliferation rules and norms can and will be exploited by those seeking to avoid or to circumvent their regime undertakings with costs to international stability and security. The strength of the regime depends to a significant degree on the perception of states about the determination and resolve of the international community and especially the states upon whose shoulders compliance measures would fall (in particular the permanent members of the U.N. Security Council) that the norms and rules of the regime be fulfilled. Proliferation is an ubiquitous problem and in the long run cannot be managed by individual state action. It is a collective problem requiring collective response.

PRIORITIZATION:

All states face the common problem of competing political, security, econ-omic and other interests in national policy-making. As much as nonproliferation may be extolled as critical to national security and international stability, there are inevitably situations where other items on the national agenda threaten to trump nonproliferation. If nonproliferation regimes are to deliver the kind of security outcomes for which they were established, governments need to ensure that policy decisions supporting nonproliferation and the regimes take precedence in the absence of an overwhelming compelling reason to act otherwise.

LEADERSHIP:

Regimes are fragile institutions requiring constant vigilance and support to effectively provide the outcomes expected of them. Leadership of course depends on the existence of political commitment and a willingness to prioritize the nonproliferation agenda. The United States has long played the predominant leadership role in the nuclear nonproliferation regime but with the complexities of the contemporary political, and technological mentioned earlier, there is an increasing need for collective leadership. Russia and China in particular need to join with the United States in asserting that leadership. As the key members of the P5 in the Security Council they have a stewardship responsibility, and a responsibility for exercising a mutually reinforcing leadership for nonproliferation.

UNIVERSALITY:

Universality of commitment has many virtues, among them that it consolidates the underlying norm, increases the probability of compliance, and provides increased legitimation of collective action against violations. The 1995 decision on Principles and Objectives identified universalization as an urgent priority in pursuit of which all parties were called upon to make a major effort. Universality is not a guarantee of compliance or against proliferation but it raises the barrier and the costs to would be proliferators and provides solid ground for international response. In its absence the constraints on international confidence are correspondingly increased.

DEALING WITH NON-COMPLIANCE:

There are two aspects to compliance relevant to the future efficacy of multinational regimes. One is how states fulfill their commitments. Avoidance of undertakings without directly challenging regime norms and rules (e.g. failure to enact requisite administrative or legislative provisions to establish legal obligations within the state consistent with international obligations) is one thing; conducting clandestine activities in defiance of solemn undertakings is another. Non-compliance in the former sense weakens the foundations of the regime to the extent that it demonstrates that the rules and norms are not taken with the seriousness they require, and this gives cause to question the staying power of the regime if it comes under pressure. Non-compliance in the latter sense is a direct challenge of the regime and calls for a response that halts non-compliance and takes steps to reinstate compliance. This is the more difficult challenge, one that has been addressed in the case of Iraq and North Korea. Neither case has been brought to conclusion but the international community has taken steps to deal with non-compliance Trying to address non-compliance and failing is one thing; not having the consensus and will to meet it in the first place is another. In the former case states may reach the conclusion that security requires additional or other measures than regimes; in the latter, that outcome would be assured

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Nautilus Institute
608 San Miguel Ave., Berkeley, CA 94707-1535 | Phone: (510) 423-0372 | Email: nautilus@nautilus.org