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IS NONPROLIFERATION IN JEOPARDY? RECOMMENDATIONS FOR U.S. NUCLEAR WEAPONS POLICY

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As the most influential nation in global security affairs, the United States is in a unique position to shape a new era in nuclear weapons. Since the dropping of the bomb in Hiroshima, the United States has continuously pursued a strict policy of nonproliferation. But current unilateral moves by the Bush administration threaten to undermine existing collective security agreements that were meant to prevent the spread and reduce the threat of nuclear weapons. By pursuing a national missile defense (NMD) policy and refusing to negotiate changes to the Comprehensive Test Ban Treaty (CTBT), U.S. leaders endanger their own nonproliferation goals, and risk unraveling a multilateral nuclear arms control regime that took decades to develop.

INTRODUCTION

Since the dropping of the bomb in Hiroshima, the United States has continuously pursued a strict policy of nonproliferation. But from the outset of the Cold War, it was almost impossible to tame the nuclear beast – once Pandora’s box was opened, it proved difficult to remember a pre-nuclear world or to imagine a future where disarmament was viable. This, however, is a unique moment in United States and world history. The United States is in a position to move the global security environment towards a future where very few states have only small numbers of weapons, paving the way towards eventual disarmament.

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After analyzing various policy options open to the current administration, I recommend that the United States take the lead in amending and strengthening current multilateral institutions. The alternative is a destabilization of the existing nuclear order.

A BRIEF HISTORY OF THE NUCLEAR ERA

Nuclear weapons irrevocably altered the international landscape by transforming war, disrupting power balances, and inevitably spreading the technology and expertise necessary to develop them (Walker 2000). For four decades the world faced the threat of nuclear warfare borne from an unstable nuclear standoff between the United States and the Soviet Union. The nature of this deadlock created a pressing need for a global arrangement to maintain stability. However, it was not until the Cuban Missile Crisis in 1962 that the United States and the Soviet Union began to forge a nuclear order. What emerged was a regime founded on two mutually supportive cooperative orders: a managed system of nuclear deterrence “whereby a recognized set of states would continue using nuclear weapons to prevent war and maintain stability,” and a managed system of abstinence “whereby other states would give up their sovereign rights to develop, hold and use such weapons in return for economic, security and other benefits (Walker 2000, 706).”

The system of deterrence was the product of extensive Moscow-Washington negotiations over how to ensure mutual vulnerability and restraint, maintain a sustainable balance of power, and increase trust between the two superpowers. Central to these negotiations were the Strategic Arms Limitation Treaty (SALT I), which placed limits on missile deployments, and the Anti-Ballistic Missile (ABM) Treaty, which was intended to ensure that negotiated offensive weapons balances would not be upset by anti-nuclear defensive buildups (Schell 2000).

The system of abstinence was consummated in the Nuclear Non-Proliferation Treaty (NPT). The NPT created two classes of nations: the five states that possessed nuclear weapons by 1967 were recognized as nuclear weapons states (NWS) and accorded the legal right to continue possessing them. The remaining signatories agreed to forgo nuclear weapons and join as non-nuclear weapons states in return for protection under the “nuclear umbrellas” of the United States and the Soviet Union. Any other state wishing to join the NPT must do so as a non-nuclear state. The nuclear “power structure”

built into the design of the NPT was never envisioned to be permanent, but rather a temporary trust requiring good faith negotiations towards disarmament.

The Post-Cold War Era – A Golden Age in Nuclear Threat Reduction, or the Road to Nuclear Disorder?

The end of the Cold War marked an end to the military posturing and power balancing between the United States and Russia. Since then, the goals of arms control and nonproliferation have merged into a single edifice dedicated to the marginalization of nuclear weapons in international politics, giving shape to a concerted effort to strengthen the main strands of the existing nuclear order regime (adapted from Walker 2000):

- *Increased Arms Reduction*

The United States and USSR signed the Intermediate-range Nuclear Forces (INF) Treaty in 1987, and the Strategic Arms Reduction Treaties (START) I and II in 1991 and 1993 (Schell 2000). The United States provided Russia with funds to reduce nuclear threats in the former Soviet Union.

- *Slowing of Arms Races and Nuclear Advances through Test Bans*

By 1995, the United States, United Kingdom, Russia, and France had imposed moratoriums on nuclear weapons testing (Stimson Report, 2000). The Comprehensive Test Ban Treaty (CTBT) was successfully completed in 1996.

- *Expansion and Consolidation of the NPT and its enforcement mechanism*

NPT signatories renewed the treaty in 1995, and strengthened the International Atomic Energy Agency's (IAEA) enforcement powers. Four states remain outside the NPT; Israel, India, and Pakistan possess nuclear weapons, and Cuba does not.

While this progress initially reinforced the existing nuclear regime, the system began to unravel in the 1990s, prompting widespread pessimism toward the future of the global nuclear order. Ten years after the Cold War ended, the future of disarmament looks bleak. The explanation lies in a string of events that undermined American confidence in the ability of the nuclear arms control regime to maintain security, reviving fears of nuclear war.

In 1998, India and Pakistan began developing nuclear weapons openly, “producing the world’s first nuclear confrontation entirely unrelated to the Cold War (Schell 2000, 25).” The series of weapons tests that summer

proved that the NPT could not achieve its goal of abstinence unless these countries signed on. Further, North Korea's launching of the Taepo-Dong I three-stage missile over Japan revealed deficiencies in the verification mechanisms of arms control treaties, confirming that the United States faced threats from "rogue" states identified in the 1998 Rumsfeld report. Finally, the International Atomic Energy Agency (IAEA) had been unable to verify the stages of clandestine nuclear programs in North Korea, Iraq, and Iran, exposing "the lack of agreed enforcement strategies enabling governments to respond predictably and effectively to breakouts from the system of abstinence (Walker 2000, 715)."

The American position towards multilateral arms agreements changed significantly as a result, culminating in the Senate's rejection of the Comprehensive Test Ban Treaty in 1998. In 1999, U.S. nuclear policy became noticeably more unilateral. Fears of accidental launch or the unauthorized use of nuclear materials in Russia, and the perception of a growing threat from rogue states fueled the passage of the National Missile Defense Act in 1999 (Walker 2000). At the NPT Review Conference in 2000, however, the U.S. government renewed its commitment to the nonproliferation and arms reduction regime, despite intense policy disagreements with other NWS.

After President George W. Bush took office in 2001, the new administration seemed committed to accelerating arms reduction despite his skepticism of international treaty agreements. The bilateral summit talks in November 2001 with Russian President Vladimir Putin in Crawford, Texas exemplified Bush's approach to arms negotiations. The summit resulted in a cooperative decision, outside of the START treaty structure, to cut America's nuclear stockpile to between 1,700 and 2,200 warheads and to reduce the Russian arsenal by two-thirds. This agreement clearly represented a good faith effort at arms reduction, marking the first time an American president crossed the minimum threshold of 2,000 warheads that the Pentagon deems necessary to maintain the triad structure of land, sea, and air forces.

Despite promised cuts in nuclear arsenals, Bush's withdrawal from the ABM treaty, which allows the Pentagon to conduct anti-missile tests, endangers any progress made at the Crawford talks by detracting from the multilateral NPT regime. Putin characterized Bush's withdrawal from the ABM treaty as a mistake, and United States allies in Europe echoed that opposition. Putin has, however, emphasized that Bush's decision does not threaten Russia's national security and will not undermine the new U.S.-Russian relationship (Neilan 2001). But it is China who is likely to pose

the most substantial security concern to U.S. interests. After Bush announced the American abrogation of the ABM treaty, Beijing warned that China would respond by redoubling its efforts to modernize its military.

POLICY OPTIONS FOR THE BUSH ADMINISTRATION

Since the advent of the Cold War, the United States has been at the forefront of international nonproliferation efforts. The NPT, implemented by Richard Nixon, was the realization of John F. Kennedy's arms control vision, and Henry Kissinger was the strategist behind both the ABM Treaty and SALT I (Cirincione 2000). As the strongest of the five NWS, the United States possesses both the power to make or break the nonproliferation regime, and whatever nuclear policy the Bush administration's elects to pursue will help define a new nuclear order. Thus it is important that U.S. leaders define core American interests and craft policies that will maximize those interests vis-à-vis recognized and de facto nuclear states.

Nuclear proliferation presents a major challenge to global stability. For the United States, it threatens the ability of U.S. armed forces to defend against nuclear blackmail or attack, and this vulnerability strengthens the position of potential opponents. From the perspective of the Bush administration, the United States should not accept mutual deterrence relations with minor powers or rogue states that threaten vital American interests. Thus any viable nuclear policy must not undermine the integrity of the U.S. nuclear deterrent. Though this stipulation serves as a necessary foundation for any nuclear policy, it not sufficient for a fully coherent and comprehensive approach to the nuclear question.

President Bush has considerable discretion in shaping the nuclear order. There are three distinct policy options available to his administration: 1) maintain the status quo, 2) assume nuclear proliferation is inevitable and pursue unilateral "self-help" policies to safeguard U.S. security, or 3) take a leadership role in pursuing modest short-term nonproliferation goals by revising current multilateral nuclear regime structures.

OPTION 1 – STATUS QUO: A UNILATERAL APPROACH TO DISARMAMENT AND NATIONAL MISSILE DEFENSE

This option is tantamount to maintaining the administration's current approach to nuclear weapons policies. It would entail: 1) a unilateral and more informal approach to nuclear warhead reduction with Russia; 2) maintaining current levels of funding for Department of Energy (DOE)

nonproliferation programs in Russia; 3) a national missile defense policy; and 4) the unilateral withdrawal from the ABM treaty.

The arms reduction agreement attained at the Crawford Summit is unprecedented, and could potentially transform existing U.S.-Russia relations. It could also slow the rate of proliferation in Asia, given that American and Russian nuclear capacities also affect the size of nuclear arsenals in China, India, Pakistan, and potential nuclear states. Many believe that announcing deep reductions demonstrates American commitment to decreasing its reliance on nuclear forces and promoting nonproliferation goals. Others argue that negotiated reductions are unnecessary because Russia's financial situation will lead it to disarm most of its offensive nuclear arsenal irrespective of American disarmament.

The latter analysis may be correct, but it is incomplete. Because of its deteriorating conventional weapons capacity, Russia is increasingly dependent on its nuclear arsenal to maintain its status as a major power in international politics. NATO expansion has threatened Russia's preeminence in Eurasia, prompting a shift in Russian policy that now authorizes Russian troops to be the first to use nuclear weapons in a conflict should they face large-scale aggression or attack by weapons of mass destruction (Stimson Report 2001). Despite financial constraints, Russia must preserve a credible deterrent to safeguard its strategic importance in international security affairs. Hence there is a concern that Russia may not honor non-binding agreements over the long term.

Russian nuclear forces are still a major security concern, especially since Russia lacks the finances needed for proper maintenance. Accordingly, programs that provide funding for threat reduction efforts in Russia, such as those run through the Department of Energy (DOE), should be maintained and expanded. Still, Russia's inability to provide adequate security for its arsenal raises concerns over terrorists gaining access to nuclear facilities. Only a few years ago, Boris Yeltsin's assistant for national security affairs could not account for 40 out of 100 KGB special suitcase weapons (*Economist* 2001a).

The Baker-Cutler report (2001) released by the DOE highlights other problems in Russia. The report makes specific recommendations for downsizing the Russian nuclear complex, which include shutting down unnecessary weapons plants, reducing the number of nuclear storage sites, increasing site security, and maintaining an inventory of all nuclear materials. The report also advises the careful management of excess Russian plutonium and the elimination of any highly enriched uranium remaining in the country.

Given the dangers of a terrorist group achieving nuclear capabilities, the United States must work with Russia to heighten security at storage sites, improve ability to detect theft, develop safe disposal of dangerous stockpiles, and find useful work for former nuclear scientists and technicians. For this strategy to be optimally effective, the Bush administration should expand such collaborative programs to include other former Soviet Republics. The present war on terrorism warrants the implementation of new counter-terrorism programs that involve curtailing illegal trafficking of nuclear materials and tightening border controls. Kazakhstan and Azerbaijan are especially vulnerable as they border both Russia and Middle Eastern countries known to either harbor terrorist groups or have nuclear programs. This strategy will require U.S. efforts to build stronger diplomatic ties and to coordinate efforts with governments throughout the Commonwealth of Independent States (CIS) and China.

National Missile Defense

Even before 11 September, the top priority in U.S. defense policy was missile defense. In 1998, the Rumsfeld report stated that the Defense Department feared that rogue states, such as North Korea and Iran, would soon be able to threaten the United States with nuclear missiles. North Korea's test of the Taepo-Dong missile a month later lent credence to the report, prompting serious discussions over national missile defense (NMD). The recent terrorist attacks have given rise to new calls for NMD; some argue that defending the homeland with missile interceptors is necessary to counter new threats. From this perspective, withdrawing from the ABM treaty might seem justified.

Since the attacks, however, U.S. leaders have gone to great lengths to build a multilateral coalition to fight the war against terrorism. These alliances could not have been achieved had Bush persisted in his initial "go-it-alone" approach to security affairs; U.S. reliance on other countries for military and political support in the war on terrorism underscores the importance of *collective* security measures. Bush should, thus, avoid unilateral actions that could destabilize this new coalition. The decision to proceed with NMD, however, is a reversion back to the "self-help" mode of realist foreign policymaking, and risks compromising present and future bilateral relationships as well as the existing international security regime.

Russia's weakening geopolitical and military position and the lack of Russian protest may unfortunately prompt a premature "green light" to begin developing an NMD system. Although still a security concern, the

missile defense debate has been too focused on U.S.-Russia relations. The rationale behind NMD is to protect the United States against nuclear threats from adversary states—namely China, North Korea, and Iraq. But “there is a great risk that such an approach might become a self-fulfilling prophecy, i.e., the United States attributes worst case scenarios to certain states or regions and makes policy decisions that prompts that state or region to respond in the very manner anticipated (Stimson Report 2001, 25).”

Of particular importance is NMD’s impact on U.S.-China relations. Since China has traditionally viewed its most credible threat as coming from Russia, most of its nuclear arsenal consists of the short- and intermediate-range missiles. But the recent “Strategic Partnership” drawing Beijing and Moscow closer together has substantially reduced the perceived Russian threat to China. An American strike on China is not implausible, however, and from Beijing’s perspective, the newest missile defense initiatives have the underpinnings of a U.S. containment policy aimed at China.

Many analysts have argued that American missile defense would undermine the deterrent credibility of China’s much smaller forces and highlight China’s nuclear vulnerability (McDevitt 2000; Huntley and Brown 2001), especially given that it only has about 20 long-range ballistic missiles capable of reaching the U.S. mainland. With NMD, any Chinese retaliatory threat against the United States would lack credibility, which should be particularly disconcerting to Beijing, as the United States is bound by law to provide weapons and assistance for Taiwan’s defense.¹ Thus American NMD could end up indirectly supporting Taiwan’s independence ambitions, which implies that China’s “no first-use” nuclear weapons policy may not apply in a Taiwan crisis (McDevitt 2000). In 1996, the Chinese Disarmament Ambassador explicitly stated, “As far as Taiwan is concerned it is a province of China. . . . So the policy of no-first-use does not apply (Betts and Christenson 2000),” although the statement was retracted.

Furthermore, China has warned that it will increase its current nuclear arsenal of intercontinental ballistic missiles (ICBM) at least tenfold if the United States pursues even the most limited NMD system (Shambaugh 2001). Many defense planners in the Pentagon believe that China will expand and modernize its nuclear arsenal regardless of NMD, but they neglect China’s extreme sensitivity to U.S. actions. The tensions between Beijing and Washington over the spy plane incident last summer proves that “Chinese perceptions of U.S. intentions and capabilities [are] at least

as important as are perceptions of China's intentions and capabilities in Washington (Huntley and Brown 2001, 2)."

Given China's emerging role as a global strategic power, Beijing has the potential to undermine U.S. strategic interests in East Asia. Vertical proliferation in China could provoke India to build its arsenal, further fueling the arms race with Pakistan, and could also embolden North Korea, increasing tensions between China and Japan. Discarding the ABM treaty to develop NMD creates a self-fulfilling prophecy because it undermines the goal of ensuring that the fewest weapons remain in the fewest hands. A new arms race will only make nuclear weapons more accessible to terrorists and other dangerous adversaries. By antagonizing China with NMD, Bush could reduce Chinese cooperation on the Korean Peninsula, and push Beijing to renew proliferation to Pakistan and the Middle East (Huntley and Brown 2001).

OPTION 2 – ADJUSTMENT TO PROLIFERATION: NUCLEAR ANARCHY

Some scholars and policy analysts believe that the existing nuclear order is unsustainable and unrealistic. The nonproliferation system, they argue, has produced an especially perverse dynamic: "the regimes that are most determined to acquire nuclear weapons are in many cases the same ones that the world community would least like to see have them (Carpenter 1992, 66)." The existing structures create incentives for cheating, as evidenced by covert nuclear programs in Iraq and North Korea, and thus nuclear proliferation is inevitable.

An "adjustment" policy would nullify the current system of abstinence and effectively end the NPT Treaty. Thereafter, all states with nuclear weapons programs would be legitimate. Under this policy, U.S. leaders should abandon extended deterrence and exercise greater caution when involving American forces in disputes that do not serve narrow security interests (Carpenter 1992). Instead, all efforts should concentrate on preventing aggressive or unstable regimes from acquiring the technology and fissionable materials needed for weapons development, while sharing certain command and control technologies with allies and "friendly" nuclear states to prevent arms races, or accidental launches. For instance, assisting India and Pakistan in developing safeguards could minimize miscalculations, ensure confidence, and encourage mutual understanding (Stimson Report 2001). For this policy to work, however, we must assume that other states are both rational *and* have a monopoly of control over their nuclear weapons, which is problematic.

Kenneth Waltz, a renowned proliferation optimist, argues, “the gradual spread of nuclear weapons is more to be welcomed than feared (Waltz 1981, 45).” Because possible losses in nuclear war overwhelm prospective gains, he assumes that rational states should almost never fire nuclear weapons in a preemptive strike. A fundamental problem with this argument is that it does not adequately account for the threat from irrational states. U.S. leaders cannot assume the rationality of state actors with the same level of confidence as with Russia during the Cold War (Carpenter 1992) – there is always the possibility of an undeterrable leader who poses a credible threat to the United States. The 11 September attacks bring this fear into sharp relief. The chances that terrorists will gain access to nuclear weapons can only multiply in a world of proliferation.

The “crazy state” problem is difficult for realists to accommodate. But even under the assumption of rationality, deterrence theory does not hold up. The results of a game theoretic model made it clear that while nuclear war “never occurs under conditions of perfect and complete information...under incomplete information [it] is eminently possible *and even rational* (Kraig 1999, 146).” This strikes at the heart of Waltz’s argument. Far from being “agents of equalization,” nuclear weapons breed instability. Even when states have equally credible nuclear threats, some will still violate the status quo and launch a conventional war, *increasing the probability of nuclear warfare* (Kraig 1999).

Under this policy approach, then, it is rational to pursue national missile defense to protect us from potential attacks by rogue states or terrorists, as well as from the increased possibility of an accidental launch. But the recent terrorist attacks proved that NMD would be unlikely to detect or defend against alternative nuclear delivery systems. Some estimate that if there had been a nuclear device on board the flights that flew into the World Trade Center, the devastation would have wiped out New York City (*Economist* 2001a). Furthermore, it is much easier for hostile actors to acquire nuclear capacity than for the United States to design an effective anti-missile system. NMD could take decades to develop; its realization is too remote to deal with more immediate threats.

OPTION 3 – PURSUING THE MEDIUM-TERM GOALS THROUGH MULTILATERAL REDUCTION AGREEMENTS

Today there are four pillars of the nuclear arms control regime – the Strategic Arms Reduction Treaties (START I and II), the ABM Treaty, the NPT, and the Comprehensive Test Ban Treaty (CTBT). The United States has been skeptical about three of these four treaties. At the Crawford

summit, President Bush circumvented the existing reduction regime by making a “cooperative” decision with Russia outside the START structure. In December, no American representative was sent to a meeting in New York on the CTBT, and Bush announced that the United States was pulling out of the ABM treaty.

The Non-Proliferation Treaty remains the centerpiece of the multilateral arms control regime, as evidenced by the consensus that emerged from the Review Conference in 2000. The NWS committed themselves to the principles of irreversibility and completion, whereby all existing arms reduction and disarmament measures would be ratified, implemented, and upheld. There are still several looming factors threatening to destabilize the NPT, including the nuclear capabilities of India and Pakistan. While commitments made in 2000 were promising, the conference was not an unqualified success.

Taken together, the four treaties possess a certain coherence (Schell 2000). Eventual disarmament is codified in the NPT treaty, and the other treaty structures are essentially the tools necessary for realizing global stability. Negating any of the treaties individually may cause the NPT to lose its authority, causing the entire international arms control regime to implode. Article VI states that NWS must be committed to “pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race and to nuclear disarmament (Nonproliferation Treaty).” Thus START negotiations not only reinforce the NPT, but are implicitly required by the treaty. The CTBT is also crucial to the NPT; a test ban would slow arms races since testing is necessary for developing new warheads and weapons innovations. American arms control efforts are centered around the NPT; as such, policies that undermine the remaining three pillars of the arms control regime are destructive, self-defeating, and counter to American security interests.

Disarmament cannot be achieved if deterrent relations are destabilized (Walker 2000). U.S. unilateralism, even in pursuit of disarmament, inadvertently increases the probability of nuclear arms racing and proliferation by undermining cooperative international regimes and providing incentives for other nations to follow its example (Stimson Report 2001). Multilateral agreements will be significantly more effective in forging a future for disarmament, and have the added advantage of maintaining the current nuclear order.

Even as the lone superpower, the United States cannot possibly defend and protect itself against all [weapons of mass destruction] threats without the help of both friends and foes alike.

Sustained unilateral action by the United States, despite its expedience and flexibility, will soon come to be resented by its allies...and challenged by its current and potential adversaries (Stimson Report 2001, 18).

The best way to ensure nuclear stability, then, is to strengthen the NPT system of abstinence.

To do this, U.S. leaders must work to achieve the medium term goal of capping India and Pakistan's nuclear capabilities, with the long-term objective of convincing them to join the NPT regime. They should also engage in CTBT negotiations aimed at strengthening the treaty and securing Senate ratification. Finally, the Bush administration should shift its focus from the development of NMD to TMD.

Capping the Nuclear Capabilities of India and Pakistan

Because of President Bush's current alliance with Pakistan in the war against terrorism, it is politically infeasible to pursue a traditional policy of carrots and sticks to persuade Pakistan to reduce or forgo its nuclear arsenal. Currently, the war in Afghanistan is the top U.S. priority, but rather than viewing it in isolation, the administration should use increased military presence in the region as an opportunity to advance the goals of nonproliferation. Bush's new alliance with Pakistan's president, General Pervez Musharraf, significantly increases the United States' leverage in the region.

American leaders should take advantage of its new diplomatic ties with Pakistan, and its existing good relations with India, to negotiate a nuclear cap. This could include a system of conditional incentives, such as increasing economic and military assistance to India and Pakistan conditional on their agreement to cap their nuclear programs. The administration should also work to ensure that credits and loans from international financial institutions are not diverted to either Indian or Pakistani military spending (Ahmed 2001).

The U.S. Department of State should also attempt to facilitate talks between India and Pakistan over Kashmir, a territory that has been in dispute since 1947. "[U]nlike the United States and Russia during the Cold War, [Pakistan and India] have not held serious negotiations over outstanding problems for decades. Nor have they concluded any agreements to reduce the number of weapons aimed at each other (Crossette, 1998)." The bottom line is that by strengthening the treaty structures that fortify the system of abstinence – i.e. the NPT – the United States has the potential to reduce the threat of nuclear terrorism.

Amending and Ratifying the Comprehensive Test Ban Treaty

The second strand of this policy recommendation is to remain involved in negotiations over the provisions of the Comprehensive Test Ban Treaty (CTBT). Clearly, there are flaws with the CTBT: it cannot stop a state determined to cheat from developing a bomb, since the technology is universally available. But a report by former chairman of the Joint Chiefs of Staff General John Shalikashvili concluded that the CTBT might help to block proliferation by preventing arms races that will produce more powerful bombs between India and Pakistan, as well as Chinese development of smaller warheads suited for multiple-warhead missiles.

The CTBT provides an international verification regime that includes an International Monitoring System (IMS), which consists of over 300 monitoring stations; on-site inspection provisions; consultation and clarification provisions; and confidence building measures (UNVIE). Parties are allowed to raise compliance concerns bilaterally through the CTBT Executive Council to avoid confrontation, while the on-site inspection provision provides the right to use a range of technologies to identify possible violations.

Influential U.S. senators, including Richard Lugar (R-Indiana), voted against ratification of the CTBT because it would preclude the United States from ensuring the safety and reliability of its nuclear weapons stockpile through routine testing. However, the previous administration proposed the Stockpile Stewardship Program, which would verify the safety and reliability of our weapons through computer modeling and simulations (Panofsky 2000).

In a 1999 fact sheet, the Bureau of Arms Control stated, “through the science-based Stockpile Stewardship program, we are confident that we can maintain a safe and reliable nuclear stockpile without nuclear testing (U.S. Department of State 1999).” Critics argue that the program cannot fully mimic nuclear testing. If fully developed, however, the Stockpile Stewardship program could allow the United States to provide adequate safety protections, disarming one of the main arguments against the CTBT.

Other substantive criticisms against the CTBT are aimed at the inadequacy of its verification and enforcement procedures. The treaty includes an international monitoring system and on-site inspections that could detect nuclear blasts that the United States currently cannot detect. As it is currently written, the CTBT requires that 30 treaty members affirm an on-site inspection. Opponents argue that this would drastically impede U.S. ability to get an inspection to prove a treaty violation. This is one

aspect of the treaty that should be amended. But this cannot happen unless the United States is active in the negotiating process.

Another objection to the CTBT's enforcement mechanism is that it has "no teeth." The treaty's solution to a testing violation is the implementation of sanctions, leading many to believe that the treaty is more symbolic than binding. Senator Lugar remarked that arms control agreements "based only on a symbolic purpose can breed cynicism ... and undercut support for more substantive and proven arms control measures (Panofsky 2000, 50)." The goal then should be to "arm" the CTBT with real and credible authority to punish treaty offenders. The United States should thus play an active role in negotiations in order to change provisions and strengthen the treaty, as the international monitoring network is more extensive, sensitive, and cost-effective than any system that the United States could set up alone.

Theater Missile Defense

The main rationale behind building a national missile defense system is to defend against the threat of ICBM attacks. But ICBMs are not the only, or the most likely, threat to U.S. security. There are more covert alternatives available, including cruise missiles, aircraft, or smaller weapons like a nuclear suitcase device that could be smuggled onto a ship, aircraft, or truck (Deutch et al. 2000). NMD would be useless against these forms of delivery, and would also be targeted against the *least* likely of all threats – the ICBM.

The major threat today is posed by theater ballistic missiles that have proliferated in the Middle East and Asia. They are also more likely to be used in combat, as evidenced by the use of the SCUD during the Gulf War. Theater missile defense systems that defend against these more immediate intermediate range threats have been under development for several years. They also have several technical and cost advantages over a NMD system. Although TMD systems currently have limited defensive capabilities against ICBMs, they can possess such capabilities if design constraints are relaxed (Deutch et al. 2000). Aside from logistical advantages, a theater missile defense policy is more sensitive to objections from other states. TMD complies with ABM treaty provisions, thus muting objections from Russia and, more importantly, China.

It is clear that China will object to the U.S. pursuit of any missile defense system. But it is not clear that China would have the same reaction to a TMD system as it has had to NMD. It was only after Clinton adopted an official NMD policy in 22 July 1999 that China developed an NMD

policy stance of its own. In 2000, a visiting high-level Chinese security official made it clear that the inviolability of the ABM treaty is at the center of Beijing's anti-NMD policy (McDevitt 2000). Thus, some analysts argue that the best outcome from Beijing's perspective would be an ABM treaty-compliant *theater* missile defense system. This makes sense when one considers the main reason why Beijing has taken a hard-line stance against TMD – Taiwan.

Taiwan has been a contentious issue in U.S.-China relations, and some analysts argue that a possible war with China over Taiwan is “the most dangerous threat that U.S. security policy faces in the coming decade (Betts and Christensen 2000).” Analysts often oversimplify China's position on Taiwan, focusing almost exclusively on the geostrategic implications of Taiwanese independence. “Now that the Chinese Communist Party leadership no longer enjoys ideological legitimacy...it depends on its nationalist credentials for political ballast. Taiwan's declaration of independence would challenge party legitimacy, especially since it would be interpreted as U.S. ‘imperialist’ intervention in Chinese domestic affairs (Ross 2001, 68).”

Over the past decade, Taiwan's government has progressively moved toward *de jure* independence. In 1996, Beijing launched missiles into the waters surrounding Taiwan to enhance China's credibility in using force to oppose Taiwan's independence. Chinese leaders consider the missile threat essential to maintaining China's claim to sovereignty over Taiwan (Huntley and Brown 2001). U.S. arms sales to Taiwan are controversial in China for this reason. Taiwan's acquisition request for the AEGIS battle management system, one of the crucial components of a theater missile defense system, has been especially controversial because a TMD deployment could neutralize Taiwanese perceptions of the Chinese missile threat. This might spur upward nuclear proliferation in China, again inducing a chain reaction in Asia.

Hence, the Bush administration's deferral of the decision to sell the AEGIS to Taiwan in 2001 was prudent. To proceed with such a sale could seriously tip the nuclear balance, ultimately undermining U.S. strategic interests. This does not mean, however, that TMD is out of the question. The administration could proceed with theater missile defense if it first laid the necessary diplomatic groundwork with China.

The events of 11 September strengthen the administration's bargaining position. China has openly ridiculed the notion that rogue states pose a serious threat to U.S. national interests, rejecting the idea that there could be some undeterrable states (McDevitt 2000). In light of the attacks, the

United States can indicate to skeptical nations that the intention of theater missile defense would be primarily to defend against nuclear threats from subnational terrorist groups like al Qaeda. This is credible, because so far, al Qaeda has proven to be undeterrable *and* more likely to attack the United States than any rogue state.

A foreign policy expert at Qinghua University in China warned that the unilateral withdrawal from ABM treaty sends the wrong message to China: “that you should expect less from international cooperation and should rely more on your own military capacity (Rosenthal 2001).” The administration could advance the U.S. interest and safeguard the current nonproliferation regime through a more cooperative approach. Consequently, it is extremely important to engage China rather than taking a hard line. By treating China as a global strategic actor and engaging Beijing in a missile defense policy debate, it is possible to find a common ground by moderating Chinese objections and by reducing actual missile threats (Huntley and Brown 2001).

Theater missile defense has several advantages over developing NMD. It would allow us to pursue the same objective of defending against the more credible threats posed by short- and intermediate-range ballistic missiles; it would be cheaper, and it would be less objectionable to China and Russia. This last point is especially important, because pursuing TMD is much less likely to provoke vertical proliferation in China and horizontal proliferation in the rest of East Asia, thus posing a much smaller threat to long-term nonproliferation goals.

RECOMMENDATIONS

The current administration is faced with an ultimatum: explore the possibility of deploying a national missile defense system, or continue to strengthen the existing system of abstinence and the NPT. The pursuit of one policy will necessarily compromise the other. The Comprehensive Test Ban Treaty as it stands is a treaty with flaws. The CTBT is not as binding as it should be, but as a crucial pillar of the nonproliferation regime, it is much more than a symbolic agreement. It would be worse to abandon it altogether rather than attempt to strengthen the CTBT through the negotiating process.

Pursuing NMD risks destabilizing the existing nuclear order and spurring greater proliferation. If it is determined to be technically infeasible, we risk jeopardizing decades worth of arduous negotiations. Alternately, theater missile defense would avoid most of the major objections, and is more amenable to diplomacy and strategic engagement with China.

My recommendations are as follows:

- Reaffirm U.S. commitment to multilateral arms control agreements and strengthen the existing nonproliferation regime by 1) amending and ratifying the CTBT, 2) negotiating arms reduction within existing treaty structures, 3) rescinding the abrogation of the ABM treaty.
- Pursue the development of Theater Missile Defense (TMD) systems that would comply with ABM treaty provisions
- Increase funding for the Energy Department's nonproliferation programs and follow the recommendations of the Baker-Cutler report.

The events of 11 September made it clear that the United States is not insulated from the rest of the world. As such we cannot pursue a unilateral nuclear policy. Unilateralism threatens to undermine the remaining pillars of the nonproliferation regime. I recommend reconsidering the decision to withdraw from the ABM treaty because of its destabilizing effect in reducing confidence in existing multilateral agreements and perpetuating a self-help, anarchical world. If China and other countries lose faith in the Nonproliferation Treaty, which is the cornerstone of the current nuclear balance, the future of nuclear weapons will become even bleaker.

The United States is at the forefront of world security affairs, and as such, U.S. leaders are in a unique position to shape a new era in nuclear weapons. The most politically prudent policy will seek to strengthen the existing arms control regime and pave the road towards eventual disarmament. The United States government must take advantage of its preeminent position in world politics, and the level of international support that the Bush administration currently enjoys, in order to advance the world's nonproliferation agenda. In the long run, this policy will best serve U.S. security interests, and the security interests of the international community.

NOTES

¹ In 1979, Congress passed the Taiwan Relations Act which guarantees Taiwan's security and requires the U.S. government to sell weapons to Taiwan.

² [emphasis added]. For a more detailed analysis, see Kraig, Michael. 1999. Nuclear Deterrence in the Developing World: A Game-Theoretic Treatment. *Journal of Peace Research* 36 (2).

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