

Presentation to Bipartisan Security Group

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I want to add to the previous presentation that Tom Graham, more than any other American, bears responsibility for the successful NPT review conference in 1995. Substantively, he was our deepest expert. Diplomatically, he was our greatest asset. I'm not sure I understand it, but for some reason, when you listen to Tom, almost no matter what he's saying, your natural reflex is to begin nodding. Over time, after he had been traveling the globe making the case, we began to hear the same arguments he was making echoing in the voices of diplomats from scores of other countries. It was a remarkable success.

What had to happen for that to be achieved was a broad recognition that the NPT is first of all not a lever for prying concessions out of the nuclear weapon states, but a security instrument for its members – a means for them to be confident that their neighbors and rivals are not developing nuclear weapons, both because they have made a legally-binding commitment not to, and because they have opened their nuclear facilities to international inspection. In the end, I believe the Treaty was made permanent, without objection, because all the member countries did not want to place at risk something of immense importance to them, as well as to us.

But a permanent NPT clearly did not end the nonproliferation struggle. I'd like to briefly touch on four of the challenges that persisted after the 1995 review conference – first; the need to strengthen safeguards; second, the need for rigorous enforcement; third, the risk posed by nonmember nuclear aspirants; and, finally, Article VI, or the obligation of nuclear weapon states to negotiate in good faith toward disarmament.

The overarching principle I'd urge you to keep in mind is that to be effective, the NPT must continue to be taken seriously by all of its members. The core argument of opponents of arms control is that agreements are only observed by the lawful – by countries that wouldn't build nuclear weapons anyway – and they lull us into a false sense of security because the bad guys will join and cheat. Of course, you could use the same argument against any law, including our domestic criminal codes. The answer is not to give up, but to strengthen enforcement, heighten community awareness, and continuously reinforce the consensus as to what is not acceptable conduct, so violators will pay a price. And that means the nuclear weapon states, including the United States, need to be serious about their own NPT obligations.

As to the first challenge, after the first Gulf war, it became clear that the existing IAEA inspection regime, guarding only against diversion of material from declared sites,

was insufficient. Using relatively primitive and slow technology for enriching uranium – calutrons – and operating away from declared sites, Saddam Hussein had advanced a very long way toward a nuclear weapon capability – perhaps a year from having a working bomb. In 1993 negotiations commenced toward enhanced safeguards, to include such features as environmental monitoring and a clarified right for the IAEA to inspect at places other than declared facilities. As consensus negotiations inevitably are, it was an arduous process, but the basic agreement was completed in 1997.

That still left a requirement for the IAEA to negotiate individual enhanced safeguard agreements with member countries, a process that is still underway, moving too slowly, and in need of attention. As of last month, only 78 NPT members had their additional protocols approved by the IAEA Board, and only 35 were in force. As those are adopted, we can have a considerably higher level of confidence in the inspections regime. Obviously we have a particular interest in getting countries of concern, such as Iran, to adopt enhanced safeguards.

The next challenge was enforcement regarding NPT cheaters. Iraq, as you know, had proven its credentials in that regard. The IAEA, with the nuclear portfolio, was quicker than the UN Special Commission, UNSCOM, could be in assessing Iraq to be in compliance with the UN disarmament resolutions. But partial compliance obviously was not good enough.

In the late 1990s, as more recently, we had a continuing struggle with “easy graders” at the UN Security Council, including France and Russia, who thought the sanctions had gone on long enough – as if time, instead of compliance, were the measure. Saddam’s perverse practice of building himself more palaces while starving his people, and blaming the sanctions, also began to have some political effect in the muslim world, which gave rise to the oil for food program. We were able to keep the sanctions, but the 1998 withdrawal of inspectors left an unacceptable situation. Whatever your view of what has happened since, the Bush Administration deserves great credit for completely reversing the dynamic at the United Nations, getting the new resolution last December, and getting inspectors back in.

From the standpoint of nonproliferation, I am puzzled, however, that with the war justified entirely on WMD grounds, it apparently was not an immediate priority to find and secure the suspect sites, to avoid transfer of materials and technology out, as well as looting.

North Korea was another special case – still an NPT member, having suspended its withdrawal as part of the Agreed Framework in 1994, which froze its plutonium program. The Agreed Framework was a terrible agreement until you consider the alternative – a North Korean capacity to produce as many as 50 weapons a year, or sell the material, or the weapons. But the Framework certainly did not create a basis for trusting Kim Jung Il, so we continued to monitor DPRK activities closely, including a demand, which was satisfied, to visit an underground complex we suspected of concealing a weapons program. The search for a better status quo was led by former

Defense Secretary Bill Perry, who built a compelling case for a new kind of relationship with North Korea, to include a comprehensive WMD inspections regime, conventional force reductions, as well as political and economic incentives. Last October's revelation of a uranium enrichment program there ultimately may move us back to the course Bill Perry recommended.

Iran was also a concern, but of a different kind. Iran welcomed IAEA inspectors, but left abundant evidence of an interest in nuclear weapons, and building an infrastructure for that purpose – evidence that had persuaded every country but one of Iran's intention to cheat on the NPT. The Russian Ministry of Atomic Energy, MinAtom, however, saw Iran as one of the few countries in the world interested in buying Russian nuclear reactors, to finish the complex the Germans had started, and then dropped, at Bushear. Various Russian technical entities affiliated with Minatom were also providing technology more immediately useful for nuclear arms. Rose and I met numerous times with Minister Adamov, together and separately. I won't speak for her, but I concluded fairly early on that he and the truth were not well acquainted. He kept demanding to know what evidence we had – not so he could stop the activity, but so he could do a better job of concealment. Obviously we didn't satisfy his curiosity. Now, as you know, Iran is open about its uranium enrichment program.

A distinct set of challenges were posed by countries who were proliferators but not cheaters – because they had remained outside of the NPT. India and Pakistan both tested nuclear weapons in 1998, thus becoming overt nuclear weapon countries. The challenge to us and to the international community was to respond in a way that kept faith with the NPT and, in particular, with the countries that had weighed the nuclear option and decided against it – not only Germany and Japan, who had considered going nuclear in the 1960s, but more recently such countries as South Korea, Brazil, Argentina, South Africa, Ukraine, Kazakstan, and Belarus.

We had a lengthy struggle in the Clinton Administration over the scope and duration of sanctions in response to India and Pakistan's tests. They did bite, but not all that hard. One problem was that the most accessible international sanctions – limits on lending by the international financial institutions – hit hardest on Pakistan, who tested second, and was near economic collapse. A failed nuclear-armed state was not in our interest.

Of course neither India nor Pakistan is an adversary of the United States, and there are good reasons why we want positive relations with both – especially to combat terror. But considered purely from the proliferation standpoint, I think it has been too easy for them to take a truly dangerous step that is contrary to the direction the rest of the world has been setting. Remember that we have a hard time being credible on proliferation, and getting others to follow, if we accept it for our friends – because then our target obviously is not proliferation, but just regimes we don't like.

Finally, let me turn briefly to Article VI, which was given additional prominence in 2000, at that year's review of the NPT. The final document – and I can personally

attest that it was laboriously negotiated, both within the U.S. government, and then in New York – embraced 13 practical steps to implement the 1995 Principles and Objectives of the NPT as they related to Article VI. I won't go through them individually. They are enumerated in the paper that has been distributed, which I commend to your attention. Suffice it to say that they reflect considerable impatience at the rate of progress toward disarmament.

President Clinton did support deeper cuts. But his aspirations ran aground because events obliged us to consider another part of the continuum of possible responses to proliferation – active national missile defenses, which were prohibited by the ABM Treaty. The motivations for a package deal were there. Russia was anxious to cut offensive weapons still lower, because they could not sustain the cost of maintaining even START II force levels. The United States didn't have that problem, but we wanted to make modest changes in the ABM Treaty, and in light of proliferation concerns we also wanted to begin addressing the shortest-range, tactical nuclear systems, and warhead elimination. So we set about to discuss ABM and START III together.

I led a series of START-ABM discussions between U.S. and Russian delegations, first alternating between Washington and Moscow, then settling in Geneva, continuing until October 2002. We got nowhere. I became convinced by early 2000 that the Russians would not seriously engage on the ABM issue absent a decision to proceed with deployment. In September President Clinton decided, correctly given a series of failed flight tests, that the system was not ready for such a decision. There the issue was left – we got neither START III nor ABM amendments.

The current Administration dispensed with the ABM Treaty problem by withdrawing from the Treaty. I don't particularly lament its passing, although we should worry about the precedent this sets for others who may decide that their treaty obligations, such as those under the NPT, have become inconvenient.

As to offensive reductions, the 2002 SORT agreement, essentially embracing what Presidents Clinton and Yeltsin had agreed in 1997, was low hanging fruit, given Russia's need for further cuts. But in context, assessments from an NPT Article VI standpoint are likely to conclude that there is considerably less here than meets the eye.

Of greatest concern, SORT means that START II is being abandoned, and as compared to START II, SORT actually slows the pace of reductions, and will leave higher numbers available at the end. Under START II each side could have had 3,000 to 3,500 deployed warheads by 2007; because SORT has no interim levels, that target doesn't have to be met, and the U.S. plans to have 3,800 deployed at least until 2008 – higher than START II. Moreover, whereas START II mandated destruction of delivery vehicles removed from the active force, SORT allows them to be kept – you just can't mate them up – so even when SORT is fully in effect in 2012, the U.S. plans to have thousands more warheads in a “responsive force,” and still more in a somewhat more distant reserve, upwards of 4,500 weapons and delivery vehicles, compared to the 1,700 to 2,200 official figure.

Additionally, SORT will be evaluated in the context of the 2001-2002 Nuclear Posture Review, implying a greater readiness to use nuclear arms, including against non-nuclear threats, and proposals for entirely new weapons, so-called bunker busters and mini-nukes, implying resumption of nuclear testing and expanded roles for nuclear weapons in our security strategy. As you evaluate these programs, I invite you to measure their security rationale against the risks they pose to the NPT regime and the global consensus on nuclear nonproliferation.

Let me close by being briefly prescriptive – what would make sense from the standpoint of protecting and strengthening the NPT.

The favorite prescription of the non-nuclear states has tended to be a specific timetable for elimination of nuclear weapons. We circled that issue repeatedly in both the 1995 and 2000 review conferences. I don't believe it's necessary or even advisable.

But the commitment to disarmament – and tangible steps to back it up – are indispensable. And I frankly also believe that as the strongest *conventional* military power on earth, and one for whom proliferation and terrorism are the leading threats, we enhance our own security to the extent we can secure the NPT bargain and delegitimize nuclear arms for all countries. They contribute comparatively little to our security – but they give rogue states the means to neutralize our overwhelming conventional power. With the appropriate adjustment in our nuclear posture – from war-fighting back to deterrence – a reduction well below 1,000 deployed weapons would be possible in the near term, as a step toward even deeper cuts in negotiations that should then involve all five nuclear weapon states.

For additional measures, the other 13 steps adopted in 2000 also have merit, and should be achievable, *if* we assign nuclear weapons their appropriate, limited, and shrinking role in our security agenda.

Thank you.