STATEMENT OF STEPHEN G. RADEMAKER
Principal, The Podesta Group

"Nonproliferation and Disarmament: What's the connection and what does that mean for U.S. security and Obama Administration policy?"

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Mr. Chairman, Congresswoman Sanchez, Members of the subcommittee, I thank you for inviting me to testify today about the connection between nuclear disarmament and nonproliferation.

The context for this discussion is, of course, the goal President Obama has articulated of achieving a world without nuclear weapons. It is not unusual, of course, for presidents and other political leaders to commit to ambitious goals like this. We can all recall, for example, previous presidential commitments to end poverty, cure cancer, and stop drug abuse. What sets President Obama's goal apart from these other examples is that he appears to really mean it. This is not a pious aspiration that he has embraced, knowing full well that it can never be fully achieved. To the contrary, he appears to believe his goal of global nuclear disarmament is achievable, and he is committed to using the power of his office to try to bring it about. Because he takes this goal seriously, we have to as well.

President Obama and other advocates of global disarmament offer a number of reasons for wanting to abolish nuclear weapons from the planet. The one that brings us here today is their oft-repeated contention that decisive movement in the direction of nuclear disarmament will better position America to prevent nuclear weapons proliferation. Because preventing proliferation is one of our nation's top national security concerns, they argue, nuclear disarmament is a small price to pay to protect ourselves against the risks attendant upon the spread of nuclear weapons, such as nuclear terrorism, regional instability, and nuclear war.

I have two principal quarrels with this line of argument. First, I think the proponents of nuclear disarmament seriously underestimate the value of America's nuclear arsenal as a tool of nuclear nonproliferation. By advocating that we abolish that tool, or at least move decisively in the direction of abolishing it, they are advocating a course that may actually increase the risks of nuclear proliferation.

Second, I know of no evidence to support the theory that nuclear disarmament by the United States will translate to increased leverage in the struggle against nuclear proliferation. I know of earnest assertions that are regularly made in this regard, but those assertions do not withstand rigorous analysis. This is a case where, regrettably, the wish is the father of the thought. I say regrettably because I also wish the vexing problem of nuclear proliferation could be solved by such a simple step as getting rid of our own nuclear weapons. Sadly, it cannot.

Nuclear Weapons as a Tool of Nuclear Nonproliferation

Nuclear weapons have been with us for more than sixty-five years, and for most of that time the main reason more countries didn't acquire nuclear weapons was that they were confident they didn't need them thanks to America's nuclear umbrella. The proliferation problems we face today from countries like Iran and North Korea tend to obscure the fact that traditionally the risk of proliferation has been greatest in countries that are technologically and economically advanced. During the Cold War, countries like Germany, Japan and South Korea that feared nuclear attack from the Soviet Union and China gave serious thought to developing nuclear weapons. So did others like Sweden, Taiwan, and Australia.

The reason none of these countries developed nuclear weapons was that they concluded that they didn't need such weapons because they could rely on America to defend them. This has long been one of the declared goals of America's nuclear arsenal. Experts label this "extended deterrence". The concept is that America's nuclear weapons exist to deter not only attacks on the United States, but also to deter attacks on our friends and allies. The label is unfortunate, because only experts understand what it means. To the extent it is about reassuring potential nuclear powers that there is no need for them to realize that potential, a better label might be "active nonproliferation."

For proponents of nuclear disarmament, the historical success of extended deterrence is an inconvenient fact. They tend to dismiss it as an artifact of the Cold War, something that has become irrelevant in the 21st century. A good example is the report issued two months ago by a Commission of the Global Zero organization entitled "Modernizing U.S. Nuclear Strategy, Force Structure and Posture." This report airily dismissed the importance of extended deterrence with the assertion that

> No sensible argument has been put forward for using nuclear weapons to solve any of the major 21st century problems we face—threats posed by rogue states, failed states, proliferation, regional conflicts, terrorism, cyber warfare, organized crime, drug trafficking, conflict driven mass migration of refugees, epidemics or climate change. A large standing Cold War-like nuclear arsenal cannot productively address any of these dangers—for instance, it is untenable to reliably deter or defeat terrorists with no return address, and its impact on proliferation may be largely counterproductive. Nuclear weapons have on balance arguably become more a part of the problem than any solution. For instance, our large nuclear stockpiles and infrastructures run risks of theft by non-state actors.[1]

This kind of "end of history" triumphalism has fallen out of favor in other areas, but not among supporters of nuclear disarmament. Sadly, there is no reason to believe that the end of the Cold War has changed the psychology that led countries facing nuclear threats during the Cold War to consider acquiring nuclear weapons of their own.

[1] http://dl.dropbox.com/u/6395109/GZ%20US%20Nuclear%20Policy%20Commission%20Report.pdf, p. 2.

Consider the two cases that we worry about most today: North Korea and Iran. North Korea has broken out of the Nuclear Nonproliferation Treaty (NPT), but its two non-nuclear armed neighbors, South Korea and Japan, have so far resisted calls to deploy nuclear weapons of their own. The reason for this has little to do with the NPT, and everything to do with the confidence they have in our treaty commitments to them and in the reliability of America's nuclear arsenal. Notwithstanding this, there are periodic calls in both countries to match North Korea's nuclear weapons with nuclear weapons of their own. As a nation, we have every interest in discouraging such calls and reassuring our allies of the reliability of our defense guarantees. It would be perilous for us to take any steps with our nuclear arsenal that would lead them to question the reliability of those guarantees. The risk of "theft by non-state actors" of American nuclear weapons pales by comparison to the risks to the global nonproliferation regime that would follow from a decision in Seoul or Tokyo that America's nuclear umbrella was no longer reliable.

With regard to Iran, the experts tell us that one of the main reasons we have to worry about that country's nuclear weapons program is that if Iran follows North Korea in breaking out of the NPT, we will face a "cascade of proliferation" in the Middle East, which will result in the "unraveling of the NPT." Fundamentally what the experts are telling us is that the situation in the Middle East is different than in Northeast Asia. North Korea could break out of the NPT without triggering a cascade of proliferation in Northeast Asia because all of North Korea's neighbors either already have nuclear weapons (Russia and China), or live under the U.S. nuclear umbrella (South Korea and Japan). In the Middle East, by contrast, only one of Iran's neighbors lives under the U.S. nuclear umbrella (Turkey), and all of Iran's Arab neighbors will confront the question whether they need to match Iranian nuclear weapons with nuclear weapons of their own.

I do not believe that America will react to an Iranian nuclear breakout by saying "How regrettable. Now there's going to be a cascade of proliferation in the Middle East." To the contrary, I believe we will immediately go to work trying to persuade the Arab countries of the region that they do not need to deploy nuclear weapons of their own. How will we persuade them of this? We know of only one model for doing this, and that is the model we successfully employed during the Cold War of defense guarantees and extended deterrence.

Proponents of nuclear disarmament would have us believe that with our increasingly precise and powerful conventional weapons, America is today capable of providing extended deterrence with conventional rather than nuclear weapons. This theory overlooks the fact that Iran's nuclear weapons are not really warfighting weapons, but rather weapons of mass terror. Does anyone really believe that the Saudis, for example, will accept that they can relax about the potential obliteration of Riyadh because, should Iran do that, America will use its precise conventional weapons to surgically decapitate the Iranian leadership and wipe out Iran's key military and nuclear installations so that kind of thing can never happen again?

Nuclear breakout is not an improbable scenario with Iran, but rather the most likely one should events continue on their current trajectory. Again, it would be perilous to take steps today with America's nuclear forces that would render us incapable of stopping the cascade of proliferation in the Middle East that has been predicted should Iranian breakout occur.

Leverage to Combat Nuclear Proliferation

One of the principal claims offered by the Obama Administration in support of its disarmament agenda is that it will strengthen America's hand in seeking to prevent nuclear weapons proliferation. As stated in the Obama Administration's 2012 Nuclear Posture Review:

> By demonstrating that we take seriously our NPT obligation to pursue nuclear disarmament, we strengthen our ability to mobilize broad international support for the measures needed to reinforce the non-proliferation regime and secure nuclear materials worldwide.[2]

The comment about "our NPT obligation to pursue nuclear disarmament" is, of course, a reference to Article VI of the NPT. Contrary to what many proponents of disarmament would have us believe, Article VI of the NPT does not impose on the United States and the other four nuclear-weapons states a free-standing obligation to eliminate their nuclear weapons. This Article consists of only one sentence, stating that:

> Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and to a Treaty on general and complete disarmament under strict and effective international control.

If one parses this language, it is evident that it imposes no binding legal obligation to abolish nuclear weapons. Rather, the operative legal requirement is to "pursue negotiations in good faith on effective measures relating . . . to nuclear disarmament. . . ." Further, Article VI imposes this requirement in parallel with an obligation on all parties to the NPT—those with nuclear weapons and those without—to "pursue negotiations in good faith on effective measures relating . . . to a Treaty on general and complete disarmament under strict and effective international control."

The treaty's eleventh perambulatory paragraph makes clear the understanding of the parties that these two obligations are linked, and that final "elimination from national arsenals of nuclear weapons" would take place not prior to, but rather "pursuant to a Treaty on general and complete disarmament." There is, of course, no treaty on general and complete disarmament, nor has there ever been a serious effort to negotiate one.

It is no wonder, therefore, that in a 1969 memo to then National Security Adviser Henry Kissinger, Spurgeon Keeny of the NSC staff stated that Article VI "is an essentially hortatory statement and presents no problems."[3]

Since then, however, the United States has acquiesced in increasingly aggressive interpretations of the obligations imposed on the nuclear weapon states by Article VI, to the point where few today would be able even to explain, much less publicly agree with, Mr.

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[2] http://www.defense.gov/npr/docs/2010%20nuclear%20posture%20review%20report.pdf, p. 12.
[3] http://2001-2009.state.gov/r/pa/ho/frus/nixon/e2/83203.htm.

Keeny's assessment in 1969. As a result, it is certainly the case that expectations have been created in the international community going well beyond the actual requirements of Article VI of the NPT. Essentially what the Obama Administration is telling us, therefore, is that if the United States appears to be moving resolutely to satisfy those expectations, we will be rewarded by progress on the problem of nuclear proliferation.

It is fair to ask, however, how that reward will be delivered. One way it could be delivered is by the nuclear proliferators themselves. Perhaps countries like Iran and North Korea will be so inspired by the example we set that they will decide to join us in committing to nuclear disarmament. It would, of course, be nice if these countries were moved by the power of our example to abandon their nuclear weapons programs. This notion is so preposterous, however, that not even the most ardent supporters of nuclear disarmament would argue this with a straight face.

So if the theory isn't that proliferators will be inspired to follow our example, it must be that the rest of the international community will be inspired to reciprocate by stepping up their insistence on full compliance by other countries with the nonproliferation obligations set forth elsewhere in the NPT.

This is a plausible-sounding theory, but there is no evidence that the theory works in the real world. In order for the theory to be true, there would have to be members of the international community willing and able to do more to stop nuclear proliferation, but holding back out of frustration over the slow pace of nuclear disarmament by the United States. If this theory is true, it should be possible to name at least one or two countries that are acting in this manner. I am unable to do so, however, and I've never heard supporters of President Obama's theory identify the countries that will do more to stop proliferation in response to our doing more to eliminate our nuclear weapons.

There are, of course, plenty of countries that could do more to stop proliferation. Indeed, all countries, including the United States, could do more. But I know of no country that is doing less than it otherwise would do but for perceived foot-dragging by the United States on nuclear disarmament.

The reason the United States isn't doing more to combat proliferation isn't because we don't care about it, and it certainly isn't because we're angry with the other nuclear weapons states for not disarming faster. It's because we have other national priorities in addition to nonproliferation, and because we face political, economic, and diplomatic constraints on what we're prepared to do in confronting determined proliferators like Iran and North Korea. The same is true, in my opinion, of every other country in the world.

Not only can I not think of a country that would do more to help us stop the Irans and North Koreas if only we disarmed faster, I have a hard time thinking of a category of countries for which this might be true. Let's review the categories of countries when it comes to disarmament and nonproliferation.

First, there are the NPT-recognized nuclear weapon states—Russia, China, the United Kingdom, and France. Countries in this category are in fact the biggest obstacle to more concerted international pressure against Iran and North Korea. The reason international economic sanctions on Iran and North Korea are not more biting is because Russia and China stand prepared to veto any U.N. Security Council resolution that would tighten sanctions, and for most of the world, the Security Council's requirements define how far they are prepared to go in pressuring Iran and North Korea. And why are Russia and China blocking the imposition of tougher sanctions? In both cases there is a long list of reasons that boils down to a calculation of where their national interests lie. But in neither case are they holding back because they are worried that America isn't disarming fast enough.

Next there are America's close friends and allies, the countries that benefit most directly from the American nuclear umbrella. Some of these countries are in fact strong champions of nuclear disarmament—Germany and Japan in particular come to mind. A closely related category is passionately anti-nuclear non-allies, countries like Sweden, Ireland, Austria and New Zealand.

From countries in both of these categories there is certainly plenty of criticism of America's nuclear weapons policies. But there is also at least as much concern about nuclear proliferation, because these countries are acting out of genuine conviction that nuclear weapons are bad, not anti-American animus. So to suggest that they are holding back in their efforts to prevent nuclear proliferation in Iran and North Korea in order to pressure America to do more on nuclear disarmament ascribes to them a degree of tactical calculation that they likely would find offensive. These countries might well try to persuade us that there are other countries that would do more if America would disarm faster, but they themselves would never consciously allow Iran to inch closer to obtaining the bomb in order to pressure America on disarmament.

The final category is the nonaligned movement, or NAM, led on nuclear issues by such countries as Brazil, Egypt and South Africa. These are among the most outspoken countries in the world in favor of nuclear disarmament, so if anyone is holding back on nonproliferation in order to coax more progress on disarmament, it is most likely them.

The Obama Administration cannot be faulted for not doing enough to impress the NAM with the sincerity of its commitment to nuclear disarmament. Since taking office it has:

- Issued a Nuclear Posture Review disavowing the development of new nuclear weapons types and significantly limiting the circumstances under which America would use nuclear weapons.
- Negotiated and brought into force the New START agreement, mandating a one-third reduction in the number of strategic nuclear weapons deployed by the United States and Russia.
- Organized the first-ever Nuclear Security Summit, to which 47 nations were invited.
- Attended the 2010 NPT review conference, where it promised U.S. participation in regional nuclear-weapon-free zones.

- Prepared an implementation study pursuant to the Nuclear Posture Review, which press reports say will recommend a further one-third reduction in the number of strategic weapons deployed by the United States.

Speaking at the NPT review conference in 2010, Secretary of State Hillary Clinton clearly articulated the Administration's expectation that these steps toward nuclear disarmament will be reciprocated:

> as we work to uphold our end of the basic bargain of the NPT, we are asking all signatories to do the same, to work with us to strengthen global nonproliferation rules and hold accountable those who violate them.[4]

So how has the world responded?

The Administration achieved no meaningful progress at the NPT review conference on any of the ideas it proposed for strengthening the NPT. And the conference issued a final statement criticizing Israel on nonproliferation grounds, but not Iran.

Later in 2010, the Administration persuaded the U.N. Security Council to impose a fourth round of economic sanctions on Iran. Not only were these sanctions watered down by Russia and China, as has happened in the past, but NAM member Brazil, along with Turkey, voted against the resolution imposing the sanctions. This was in stark contrast to the three previous Security Council resolutions imposing sanctions on Iran, all of which were approved unanimously.

Not only that, Brazil and Turkey brokered a deal with Iran prior to the vote with the express purpose of scuttling additional U.N. sanctions. In addition, they declared their flat-out opposition to the goal—formally adopted by the Security Council in 2006—of requiring Iran to suspend uranium enrichment. The word for this is not progress, but regress.

Since that time, additional progress has been achieved in tightening economic sanctions on Iran, but that progress is almost entirely attributable to mandates of the U.S. Congress and decisions of the European Union. Significantly, the aim of many of the new U.S. and E.U. sanctions is to pressure NAM members and others to do things in their relations with Iran that they have heretofore been unwilling to do on their own.

So it's fair to say that if President Obama was expecting additional cooperation on nonproliferation from the NAM or anyone else as a reward for picking up the pace of nuclear disarmament, he's still waiting.

Conclusion

All of these facts demonstrate that nuclear disarmament affords no silver bullet solution to the continuing problem of nuclear proliferation. Perhaps there are other reasons for America to consider modest additional nuclear weapons reductions. And certainly we need to continue to

[4] http://www.state.gov/secretary/rm/2010/05/141424.htm.

fulfill our obligation under Article VI of the NPT to negotiate in good faith on effective measures relating to nuclear disarmament. But as we make decisions relating to these matters, we should not allow our judgment to be clouded by fanciful notions that our actions are going to be rewarded with stepped up cooperation by others in combatting nonproliferation.

We will make progress against proliferation as we always have, on the merits of the issue, by persuading others that it is in their interest to cooperate with us against nuclear dangers. By the same token, we need to make decisions about our nuclear force structure in the same manner, on the basis of a sober and objective assessment of our global defense requirements, not wishful thinking.