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Hunting the Hare

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Scrub Hare/Vlakhaas (Lepus Capensis) by Arno & Louise (CC)

There is an old English expression, "Hunting the Hare." It comes from a proverb: "He that hunts two hares will catch neither." In the current unruly security environment, with challenges aplenty for the Obama administration, the hare to be pursued remains the reduction of the global nuclear threat.

During the Cold War, the object of the hunt was all too clear: the nightmarish prospect of armed conflict between the United States and the Soviet Union, with an estimated peak aggregate total of 120,000-plus nuclear weapons. Twenty years after the fall of the Berlin Wall, the risk of global nuclear confrontation has greatly receded, but that of a devastating nuclear incident—whether by inadvertent or accidental use, or for malevolent purpose by terrorists—has not.

As former U.S. Senator Sam Nunn once observed, we have moved from an era of grave global threat but (relatively) high bipolar stability to one of reduced macro-level danger but perilously high instability. This instability is called to mind by two deeply disturbing instances within the past decade: First, the nuclear proliferation threat posed by the veritable Wal-Mart store of nuclear components and technology operated by the rogue Pakistani physicist A.Q. Khan (all the more alarming because it was claimed to be a "private" not government-sponsored enterprise); and second, the fact that the hermetic and impoverished North Korean regime remains a cause for deep concern, both in terms of its own nuclear ambitions and as a potential proliferator. And let us not forget that the original rationale for engagement in Iraq in 2003 was the (erroneous, as became quickly obvious) assumption that Saddam Hussein was actively developing a nuclear weapons program.

In this context, and even as Iraq, Iran and the Afghan imbroglio preoccupy the Obama administration, it is to the President's credit that he has signaled the intention to tackle the nuclear question, decisively and with personal engagement. He set this in motion during his first meeting with Russian President Medvedev in London in April 2009, where the two leaders announced the joint resolve to replace or extend the key Strategic Arms Reduction Treaty [START] before its expiration in December of this year. Under a new treaty, the two leaders resolved as a first measure to reduce their deployed strategic nuclear stockpiles to between 1,500 and 1,675 (down from a current warhead cap of 2,200). President Obama went a step further in a speech in Prague, in which he envisioned a "world free of nuclear weapons,' although he qualified this with "This goal will not be reached quickly—perhaps not in my life time." Then, in September 2009 he announced the abandonment of the missile defense deployments in the Czech Republic and Poland, originally proposed by the Bush Administration. (This was largely a symbolic gesture designed to ease Russian neuralgia, and by no means a renunciation of a robust national and theater missile defense system. See "Missile Defense Malfunction: Why the Proposed U.S. Missile Defenses in Europe Will Not Work," by Coyle and Samson, *Ethics & International Affairs*, Spring 2008.)

For Obama, therefore, the broad strategic vision—a highly desirable one, given the threat—is in place. The devil, as has been observed, is in the details. In a paper written for the Carnegie Council in July 2009 ("A Guide to the Challenges Facing President Obama's Nuclear Abolition Agenda") arms control expert Burgess Laird listed, in addition to the START commitment, no fewer than three other major initiatives that Mr. Obama wished to see accomplished in his first term in office. These are:

- "Aggressive pursuit of U.S. ratification of the Comprehensive Test Ban Treaty [CTBT];
- Pursuit of a new international treaty to verifiably end the production worldwide of fissile materials intended for use in nuclear weapons—a so-called Fissile Materials Cutoff Treaty [FMCT]; and
- A commitment to strengthen the nuclear Non-Proliferation Treaty [NPT] by augmenting the inspections capabilities and authorities of the International Atomic Energy Agency [IAEA], establishing an International Fuel Bank to supply the growing demand for civilian nuclear energy without increasing the possibility of proliferating nuclear weapons, and securing international commitment to punish states found in violation of the treaty."

Laird concludes: "Each of these initiatives but the last marks a significant reversal of Bush administration policies, and progress on the first two" [START & CTBT] "will significantly help prospects for realizing U.S. aims with regard to the latter two" [FMCT & NPT]. "Many nations have perceived a lack of substantial progress toward strategic arms reductions on the part of both the United States and Russia and the failure of the United States to ratify CTBT as reflective of a lack of commitment to meet the NPT's Article VI obligation of the Nuclear Weapons States to disarm."

Three months after Laird's inventory and commentary, however, there is scant tangible progress to report. This is partly due to the familiar foreign policy syndrome of the "urgent shouldering aside the important;" the U.S. aims, and our very presence, in Afghanistan, are highly questionable, but not within the purview of this article. What is relevant to say is that Afghanistan—and, of much more long-term criticality, Pakistan—is simply taking up a lot of Presidential time.

There are inherent challenges in each of the four would-be breakthrough areas that Laird lists; and, while he correctly points out that there is connectivity among them in terms of achieving success, the stark fact is that significant progress on one or two would be remarkable. To treat each briefly, in turn.

START

Senior negotiators on both the U.S. and Russian sides acknowledged in early October that they have not yet identified the means by which they would extend key verification provisions of the treaty, even though this means that reaching agreement by December 5 (on which date the current treaty will lapse) are remote. The optional means are: [a] provisional implementation of verification protocols (data exchange, mutual notifications, on-site inspections, and continuous monitoring activities-this is the United States' preferred option); and [b] an extension of the old agreement. Barely six weeks out, it would seem that this less-preferred path may be the default option, especially since, according to the Nuclear Threat Initiative's "Global Security Newswire" (October 8, 2009) the assistant secretary of defense for global strategic affairs, Michael Nacht, is quoted as saying: "We really haven't developed contingency plans, to my knowledge, for what we do if we don't get a START follow-on by December 5."

Whatever happens to take us beyond START, one hopes that negotiations do not founder on the numbers question. As a high-ranking U.S. official observed at the height of the Cold War standoff, "our 20,000th warhead isn't going to matter as much as their 500th."

CTBT

Adopted by the UN General Assembly in September, 1996, the key provision (Article I) of the treaty stipulates that:" Each State Party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control."

To date, 150 states, including the United States, have signed the treaty, but (the devil-details issue once more!) the treaty will not enter into force until 180 days after 44 critical states listed in Annex 2 of the treaty have ratified it. As of today, nine of these have not ratified the treaty-the United States, China, Egypt, Israel, Indonesia, Iran, and India, Pakistan and North Korea (the latter three have not even signed the treaty).

Proponents of U.S. ratification point to two enormously positive factors: Firstly, it would underscore an international norm that would nudge nuclear states such as India and Pakistan to sign, and other key signatories such as China to ratify. Secondly, severely limiting any nation's ability to make advancements in a nuclear program that only testing can achieve would be a major contribution to global non-proliferation efforts.

Again, President Obama's intentions are clear. During his election campaign, he declared: "As President, I will reach out to the Senate to secure the ratification of CTBT at the earliest practical date". Ratification, however, requires a two-thirds (67 positive) majority vote in the Senate, and in the last vote, in October 1999, ratification was rejected by 51-48. If we "do the math," we may assume 58 Democratic plus two independent votes in the chamber, leaving seven Republican votes to be secured for ratification—at best a challenging proposition in an environment where the GOP may feel energized over momentum in its direction in the health care legislation saga.

FMCT

The treaty would strengthen existing nuclear nonproliferation norms by adding a binding international commitment to existing constraints on nuclear weapons-usable fissile material. Simply put, the treaty would ban the production of fissile material for nuclear weapons or nuclear explosive devices. As such, it is a complementary piece of the arms control/nonproliferation picture, along with CTBT, START and NPT.

If the obstacles with respect to CTBT are primarily domestic for President Obama, the issues with FMCT are international. The objections raised include that of efficacy: the treaty would not apply to plutonium and HEU for non-explosion purposes, with the possibility at least of diversion; nor does it address existing stockpiles, merely arguing that "enough is enough." As such, it has encountered resistance from both existing nuclear weapons states and from, for example, Japan, which presumably wishes to keep its options open.

A further stumbling block is that of verification. The IAEA has an extensive and effective track record in safeguarding and monitoring nuclear materials and activities but, as Burgess Laird points out in his paper, that is the problem: the very effectiveness of such IAEA measures stems from their being highly intrusive. It is, at best, unlikely that such key states as India, Pakistan and Israel would sign on to maximally intrusive inspection protocols. On the other hand (and this again speaks to the essential coherence of the four arms control treaties under discussion) if the United States and Russia agree to substantial reductions in arsenals under START, China, for example, would not have so great an incentive to retain the option of producing more fissile materials for future weapons. If China agrees to a verifiable FMCT, then perhaps India, and Pakistan, and so forth.

NPT

Signed into being in July, 1968, NPT is the most widely accepted multilateral arms control agreement. Nuclear weapons state parties to the treaty are obligated 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*" [my italics]. Non-nuclear-weapon states who are signatories undertake not to acquire or produce nuclear weapons or nuclear explosive devices, and they must accept safeguards to prevent

diversion of nuclear materials from peaceful activities such as power generation.

Only Israel, India and Pakistan have never been signatories of the NPT, and North Korea withdrew from the treaty in 2003.

President Obama's keystone strategies in strengthening NPT have been [a] to augment IAEA's inspections capabilities and mandates and to establish the International Fuel Bank to supply the growing demand for civilian nuclear energy without the concomitant danger of nuclear weapons proliferation. The problem here is history: the International Fuel Bank has a "silver bullet" ring to it—a central supply, responsibly commanded and controlled, dedicated to responsible nuclear purposes. But it begs the question of the skepticism of the nuclear "have-nots" as to the commitment of the nuclear "haves" to live up to their part of NPT, that is, to end the nuclear arms race "at an early date and [commit] to nuclear disarmament."

Here, we point one last time to the strategic coherence of the four arms control strands. Laird argues in his paper that "the President's revival of the strategic arms reduction process will begin to take [the haves/have-nots] argument away.... It seems that only time and renewed leadership on the world stage will help redress the lack of trust...."

Absolutely, and this speaks to the awe-inspiring set of challenges to the President, in pursuing and / or strengthening this interlocking set of arms control agreements. The intentions are noble: in his September 24 speech to the UN General Assembly Mr. Obama spoke of U.S. leadership and engagement in arms control as a "pillar for our future." He spoke of the "substantial [U.S.-Russian] reductions in strategic warheads and launchers;" of "negotiating an end to the production of fissile materials for nuclear weapons; and of the need "to move forward with ratification of the Test Ban Treaty, and work with others to bring the treaty into force so that nuclear testing is permanently prohibited."

These constitute the Hare to be Hunted, Mr. President. So far, your design is grand, the details sketchy, and the time is short. Good fortune, and stay the course!

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