

Enforcing Nuclear Disarmament

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EVER SINCE I was a student in the early 1950s, I have been told that world government is a dream of starry-eyed idealists. But a form of world government is coming into being, although not the one that Immanuel Kant, Bertrand Russell or the United World Federalists envisioned. It is not the vast web of rules and norms embodied by the United Nations and the European Union. It is not based on shared ideology, race or religion. And it is not a byproduct of the Wilsonian daydream of a world rapidly democratized by the application of American power.

It is motivated, rather, by realism and specifically by the robust response to terrorism. What began in the 1970s as a largely regional problem arising from a uniquely volatile set of circumstances--namely, Middle Eastern terrorism--has slowly become a global phenomenon. International terrorists and those who support them are being recognized by most of the world's governments as a collective threat to their national security. These threats--what President Clinton called an "unholy axis of terrorists, drug traffickers and organized international criminals"--are the impetus for the formation of what I have termed a Global Safety Authority (GSA). The GSA is maintained by the United States (which provides the lion's share of the funding and sets the agenda) and its allies, but it is comprised of most nations of the world, including other major powers such as China, India and Russia.

The Global Safety Authority is taking shape from the post-9/11 ad hoc anti-terrorism coalition, as informal interstate cooperation takes on a more permanent character. I use the term "authority" to indicate that this coalition is both legitimate and institutional, and therefore lasting rather than temporary or transitional. It can be described as a global police agency, but unlike typical intergovernmental organizations, the various individuals who staff the GSA (though they may be of different nationalities) largely work directly with one another. In carrying out their work, agencies such as the CIA, MI5 and the Mossad work closely with one another, and often do not first consult with their respective foreign ministries or more generally with their own governments. The same holds true for various members of Special Forces, surveillance entities, naval patrols and so on.

The GSA's main division, if you will, is the Antiterrorism Department, through which the intelligence and police services of some 170 nations now work together quite seamlessly. This is not a "coalition of the willing" defined by nominal participation: Fifty-five nations have changed their domestic laws to accommodate the global pursuit of terrorists. Military and intelligence units cooperate in untold corners of the globe. Phone calls and e-mails around the world are scanned by computers in the United States, the United Kingdom and Australia--and the information gleaned is shared with other countries. It pays little mind to national borders in the fight against terrorism, and it is not subject to any transnational authority to set boundaries and exercise oversight.

The most important division of the GSA, however, deals with deproliferation--the removal, forcibly if necessary, of nuclear arms, material and components from those states deemed by the international community to be insufficiently stable or reliable; and the replacement of these items with safer technologies or economic assets. For as countless politicians, government officials and analysts have noted, if even a crude nuclear bomb were to be successfully detonated in New York City, for example, the death toll would range in the hundreds of thousands and the economic cost would be more than one trillion dollars. (1) It is not surprising that President Bush identified stopping the spread of nuclear weapons as America's number-one foreign policy priority.

Deproliferation's goal--to prevent terrorists or rogue states from acquiring either the material from which nuclear arms could be made or the arms themselves--meets what I term "the triple test" for assessing the soundness of policy. (2) First, it addresses the interests of the nations most threatened, as well as their neighbors, and the global community at large. (I start with an appeal to national interests because the recent emphasis on soft power has not paid enough attention to the fact that the international "system" is much less normatively driven than are domestic polities. Hence, having complimentary interests is of special import.) Second, deproliferation has prima facie legitimacy--few anywhere around the globe doubt that the world would be better off if the availability of nuclear bombs and the material to make them was reduced. Finally, the level of cooperation needed to ensure deproliferation--including the development of new institutions and norms--is a major source of community building.

The Bush Administration has not left this vital matter merely in the hands of the International Atomic Energy Agency (IAEA), because as an arm of the United Nations, it has many of that institution's limitations. The IAEA also fully allows countries to acquire the materials from which bombs are made, as long as they promise to use them only for research, medical treatments or power generation purposes and allow inspectors to verify that they live up to these promises. Deproliferation as defined above requires giving up such materials completely. The United States has instead been orchestrating a multilateral approach to what it considers the most dangerous nations, Iran and North Korea. Iran is being pressured by the European Union, Russia and the United States to live up to its obligations under the Nuclear Non-Proliferation Treaty (NPT). Similarly, in sharp contrast to America's largely unilateral approach to deproliferation in Iraq (which turned out to have nothing to deproliferate), the United States has refused so far to conduct bilateral talks with North Korea. Instead, North Korea must negotiate with a five-country coalition including China, Japan, South Korea, Russia and the United States.

The nexus between deproliferation and the formation of new, robust, transnational security institutions and their relationship to global antiterrorism institutions is most evident in the formation of the Proliferation Security Initiative (PSI). In addition to the United States, the PSI has 15 "core participants", including Australia, France, Japan, Portugal and Spain. These nations have agreed to share intelligence and to stop all of the nuclear arms and materials shipments that pass through their territory, ports or airspace, or on ships flying their flags. They will also stop and board ships in international waters that are suspected of carrying WMD-related materials.

During summer 2003, the countries involved began joint military exercises to prepare for a wider implementation of these unprecedented and robust deproliferation steps. Some interceptions already have occurred, including the boarding of a ship deployed from a North Korean port. The Bush Administration gave credit to the PSI for Libya's decision to abandon its nuclear ambitions after a ship--the BBC China--loaded with nuclear components and headed for Libya, was intercepted. International lawyers question the legality of boarding ships on the high seas for purposes other than stopping piracy and slavery. The BBC China was a German flag ship that was persuaded to stop in an Italian port to be searched.

International law is not immutable. We have choices beyond just abiding by it or ignoring it. We can work to modify it to recognize fully the right of nations that seek to defend themselves and others to search ships on the high seas when there is a reasonable suspicion that they carry nuclear weapons or the materials from which they are made. The same holds true for cargo shipped on planes. They can be made to land en route and then be searched.

The State Department is careful to refer to the PSI as an "activity" and not as an organization, as this would imply the creation of a new security architecture outside the United Nations and the NPT. Whatever it is called, the PSI is a key example of how the creation of new transnational institutions and enhancing security build on one another. The more nations that find that deproliferation serves their interest and the more they view such action as legitimate, the stronger the transnational institutions these nations are constructing will become and the more these institutions will be able to contribute to deproliferation. This strengthening can be measured in budgets, command of military resources and intelligence priorities.

MUCH OF THE attention of deproliferation efforts has focused on rogue states, especially the three members of the Axis of Evil. However, terrorists may gain nuclear weapons from those who have ready-made ones, or make them out of highly enriched uranium (HEU) or plutonium. Experts stress that once terrorists have the needed materials, producing nuclear arms is a task that they can accomplish with relative ease. For instance, The 9/11 Commission Report observed that:

A nuclear bomb can be built with a relatively small amount of nuclear material. A trained nuclear engineer with an amount of highly enriched uranium or plutonium about the size of a grapefruit or an orange, together with commercially available material, could fashion a nuclear device that would fit in a van like the one Ramzi Yousef parked in the garage of the World Trade Center in 1993. (3)

There are several reasons why nuclear terrorism is much more challenging than nuclear attacks from rogue states and hence deserves much more attention and greater dedication of resources than it currently receives. First of all, the list of rogue states is small and well known, and their actions can be monitored with relative ease. The opposite holds true for

terrorists. Their numbers are large, their identities are often unknown, and their actions are difficult to track. Second, rogue states are easier to deter from using their nuclear arms than are terrorists, especially those willing to commit suicide, a sacrifice which more than a few have shown themselves ready to make.

It is true that the leaders of some rogue states are unstable, and they could act irrationally or simply miscalculate, disregarding the fact that their regime--and they personally--would not survive if they employed nuclear weapons against the U.S. mainland or even one of its allies--or if it became known that they provided terrorists with such arms. However, miscalculations of the magnitude that would lead a Kim Jong-il or the mullahs of Iran to use nuclear weapons are very rare indeed. In contrast, if terrorists acquired a nuclear bomb or the material to make one, they would not fear retaliation, and they could not be deterred by a balance of terror. Indeed, terrorists often hold that if their actions lead to attacks on their own homelands, then support for their cause would increase. Moreover, because terrorists are not the army of one state, it is often difficult to determine against which nation to retaliate, and thus whom to deter and how. This dilemma was all too evident when the United States learned after 9/11 that 15 of the 19 hijackers were Saudi Arabian nationals.

THEREFORE, there are several strong reasons to rank the danger of nuclear terrorism much higher than the danger of nuclear strikes by rogue states--yet U.S. foreign policy, its military, its intelligence agencies and their covert actions and other resources are focused on dealing with rogue nuclear states both alleged and real, and not the hundreds of sites from which terrorists can acquire nuclear material and the few from which they could obtain ready-made bombs.

Pakistan, the state from which terrorists are most likely to be able to seize nuclear weapons by toppling its government, by cooperating with certain dangerous elements of the government, or by corrupting the guardians of the bombs, is not on the Axis of Evil list. Indeed, the poor security of its nuclear weapons and the fact that it proliferates by selling nuclear designs and technologies to other countries are overlooked because of its help in dealing with conventional, small-potatoes terrorism. True, Pakistan has been instrumental in the capture of several high-ranking Al-Qaeda members who are now in U.S. custody and these are the very individuals who would be likely to organize a nuclear attack on America. However, there is no shortage of terrorists, and hence the greatest importance is to limit what they can get their hands on. Luckily, there are only a few nuclear bombs and a limited number of sites in which fissile material is stored. Upgrading security at these places or replacing these materials with less dangerous material is many thousands of times more practical than locking up all the dangerous people. All this calls for a radical shift in prevention priorities from small-scale to massive terrorism and from rogue states to the sources from which terrorists might readily acquire nuclear materials or readymade bombs.

Russia is a major potential source of trouble. About 90 percent of the fissile material outside the United States and most of the small suitcase-sized nuclear arms (some of which are unaccounted for) are in this chaotic country. (4) The sites from which terrorists

may acquire fissile material run into several scores, because they include nuclear reactors set up in many different countries--including underdeveloped states--for the purposes of producing energy, medical treatment and various forms of research. HEU of Russian origin is found in twenty reactors in 17 countries and of U.S. origin in forty countries. In addition, 105 civilian research reactors all over the world are using HEU. (5) Still other countries, for example, China and France, provided various nations with reactors and HEU. There is not even a full list of all these reactors.

Uncontrolled Maintenance

A RADICAL CHANGE in strategy is required if nuclear terrorism is to be prevented. (6) The sources from which terrorists could gain nuclear weapons or material should be eliminated rather than kept under one form of control or another, because such controls are inherently unreliable. The typical form of arms control allows nations to keep nuclear reactors using HEU, but they are expected to secure them and have their usages verified by inspections.

The controlled-maintenance approach relies largely on the NPT, which seeks to control the spread of nuclear weapons to additional states by classifying them into nuclear-weapon states and non-nuclear-weapon states, and placing specific restraints on each type. Five major nuclear-weapon states, identified as the United States, Russia, China, France and the United Kingdom, agreed to pursue disarmament and the non-nuclear-weapon states agreed not to develop or attempt to acquire nuclear weapons. The IAEA is entrusted with inspections to verify that "safeguarded" nuclear material and activities are not used for military purposes. Note, though, that a nation can refuse to sign the treaty (as India, Israel and Pakistan have), terminate its commitments after notifying the IAEA but keep its nuclear plants (as North Korea did), or readily mislead the inspectors (as Libya did and Iran is believed to be doing). Moreover, for inspectors to have a better idea of the nuclear activities of each of the 71 states with significant programs, these states each have to agree to conclude an additional protocol with the IAEA. Forty-seven states do not yet have these protocols in force. Among the nations that have HEU reactors are the Democratic Republic of the Congo, Ghana, Indonesia, Kazakhstan and Ukraine. Absurdly, nations still can establish such plants using HEU with the full blessing of the United Nations. Nigeria, one of the most corrupt nations in the world, just did that. Under the NPT, proliferation is in effect legal, although the proliferation is not of nuclear arms to rogue states, but of material from which terrorists can make nuclear arms to failing states. The NPT was designed to deal with responsible states, not to prevent terrorism.

This pre-9/11 conception of controlled maintenance must be replaced by one of deproliferation. Deproliferation entails replacing HEU with low-enriched uranium (LEU), which cannot be used for bomb making, or with other sources of energy, or providing resources such as large-scale investments or foreign aid to compensate for the loss of the HEU reactors. The construction of new HEU plants should be prevented rather than treated as legal and legitimate, as it is under the NPT and by the IAEA. Given that deproliferation cannot be achieved everywhere at once, those countries in which security is poor and potential terrorists are rampant or have easy access to nuclear material should

be given priority over those in which security is high and terrorist recruiting is rare. The difference between the NPT conception and that of deproliferation is akin to the difference between gun registration and removal of guns from private hands and most public ones, as is the case in most civil societies; in international terms, it is akin to the difference between arms control and disarmament of nuclear weapons.

Some of the advocates of the obsolescent NPT approach, who fear not without reason that deproliferation may lead to confrontations between the powers-that-be and those who refuse to give up their nuclear arms or HEU reactors, suggest that one may rely on deterrence in the future, even among new nuclear powers. After all, the United States and the USSR kept each other at bay for several decades. Pakistan and India will deter each other. North Korea might be deterred by a nuclear China and Japan, and Dan by Israel. These countries should hence be admitted into the "nuclear club", as long as they assume the same commitments as other nuclear weapon states under the NPT.

This approach has several serious flaws. First, it invites more and more nations to build the facilities they need to make or purchase nuclear arms and their means of delivery. Second, it leads these nations into a nuclear arms race in which each hardens its facilities and diversifies its means of delivery, which will require resources they could better dedicate to other purposes. Finally, it reinforces the notion that nations must have nuclear arms to be regional powers, as exemplified by the recent temptations of Brazil to violate its commitments to the NPT regime.

The more nations that acquire such weapons, the more likely it is that they will be used by unstable leaders, or due to miscalculations or unauthorized use. The United States and the USSR came quite close to nuclear blows several times, as did India and Pakistan, and Israel seems to have considered using nuclear weapons in the Yore Kippur War. Above all, the more nations that are in this dangerous business, the more sources there will be for terrorists to gain nuclear weapons. After all, terrorists cannot get nuclear arms or materials from countries that do not have them. Hence, trying to get more and more nations into compliance with the NPT--the current governing strategy--is of limited value.

All these problems are avoided to the extent that deproliferation is implemented. Where feasible, nations should be given incentives, cajoled, or pressured to deproliferate. When all else fails, under proper conditions, they should be forced to give up HEU in exchange for LEU or other energy sources or economic assets, and if they have nuclear arms, to give them up as well. This in turn may require, in some cases where there is a great imbalance in conventional forces, the international community to guarantee the country's borders.

From Theory to Practice

DEPROLIFERATION is by no means a pie-in-the sky idea. Indeed, some of the building blocks of a deproliferation strategy are already very much in place. Before 9/11, several

nations gave up their programs to develop nuclear arms (but not to build reactors fueled by HEU). These countries include South Africa, Brazil and Argentina.

The crowning success of diplomacy in the first years of the 21st century is the turning about of Libya from a nation that sought and obtained materials to enrich uranium to one that agreed to have such materials completely removed, all without a shot being fired. The turnabout came as a result of a combination of economic sanctions, diplomatic isolation and indirect threats. While the exact mix of these factors might not be exactly replicable elsewhere, the event highlights the merits of the deproliferation approach as compared to that of controlled maintenance. Libya was believed to be in compliance with the NPT, but it fooled inspectors by using undeclared nuclear materials and small, hard-to-detect facilities. The crucial point is that, as of 2004, Libya is no longer a source from which terrorists might get nuclear arms or the material needed to make them, nor is it a nation that needs to be deterred with nuclear arms lest it attack another with these weapons.

Another program, mostly viewed as part of the NPT project, but actually largely based on deproliferation principles, is the Nunn-Lugar legislation. It aims to fund the destruction of nuclear, chemical and other weapons; to assist in their transport from less secure republics to Russia; and to establish "verifiable" safeguards against weapons proliferation. However, the Nunn-Lugar projects do not focus only on nuclear weapons. They also deal with missiles, biological weapons and labs, and the like. Above all, their scope and budget are much too small to accomplish the large-scale deproliferation that is needed. The total expenditures of the variety of initiatives involved amount to about \$1 billion a year, an amount five times smaller than the funds dedicated to the protection of one industry, airlines, from small-scale terrorism. In June 2004, Undersecretary of State John Bolton announced that \$20 billion would be dedicated to deproliferation, but \$10 billion of these funds are to be pledged by other nations, pledges that are not necessarily forthcoming and when they are, often not honored. Moreover, the United States is committing this \$10 billion over ten years, which Congress could well fail to appropriate. In the past, only about \$1 billion a year was allocated to Nunn-Lugar projects, and for fiscal year 2005, the Bush Administration's proposed budget includes no increase in the funds for Nunn-Lugar programs. Increasing the funding of Nunn-Lugar by at least one order of magnitude and including more nations beyond the former Soviet bloc in its program would be important steps on the road to deproliferation.

In 2004, Secretary of Energy Spencer Abraham announced a new initiative to retrieve fresh fuel of Russian origin and spent fuel of U.S. and Russian origin from research reactors around the world. The initiative also seeks to convert HEU to LEU in applicable research reactors. The media welcomed this announcement as a significant deproliferation step. But the amount allocated to this drive, \$20 million over the next 18 months, is far too small to have a significant impact.

CHANGES IN the way North Korea is treated are an important case in point. Initially, North Korea was allowed to use its HEU reactors in line with the NPT, and the communist nation's compliance with the treaty was verified via inspections. In 1993,

North Korea announced that it intended to withdraw from the NPT, after due notice, which it was entitled to do under the terms of the treaty. However, there is no provision that says it must give up its HEU reactors once it breaks with the treaty, which is a fatal flaw.

In response to North Korea's threat to withdraw, President Clinton initiated a deproliferation approach by negotiating with North Korea to freeze all nuclear activities in exchange for the development of new reactors with fuel that could not be weaponized. Once the new reactors were completed, North Korea was to dismantle its old reactors and send its fuel rods out of the country to prevent their reprocessing into plutonium. For the next ten years, North Korea remained a party to the NPT, although its nuclear ambitions were not quelled. The new reactors were never completed, and in 2003, North Korea announced it was leaving the treaty and threw out IAEA inspectors.

The Bush Administration initially rejected Clinton's approach to North Korea and seemed bent on forcing this member of the Axis of Evil to disgorge its nuclear arms and submit again to IAEA inspection, that is, building on the old NPT concept. However, following the difficulties in Iraq and the realization that the North Koreans may already have at least one nuclear weapon, the Bush Administration shifted to seek deproliferation along lines similar to the Clinton Administration. True, so far it is unclear whether the deproliferation negotiations with North Korea will succeed, although the haggling seems mainly to be about tradeoffs. One thing is clear enough: Controlled maintenance has failed. Deproliferation is the order of the day.

The GSA and the United Nations

A FULL implementation of a deproliferation strategy may well have to draw on some exercise of force, when all else fails, and whether such an approach can be legitimated. One hopes that much can be achieved by offering nations strong incentives to give up their nuclear arms programs and to replace HEU with other sources. However, at the end of the day, there is no denying that even in the case of Libya, the removal of Saddam played a role. In the dealing with Iran and North Korea, the threat of force clearly looms in the background. The PSI involves the boarding of ships in international waters by armed forces to verify they are not carrying nuclear materials, which is a coercive act. It is hard to believe that if the Taliban and its allies were to take over the government of Pakistan, the United States and its allies would simply stand by and allow them to appropriate that nation's nuclear arms. The same may well hold for any failing state that has HEU and for which there is reliable intelligence that it is making these nuclear materials available to terrorists. (I grant that given the grave failure of intelligence in the last years, it would be very difficult to rely on it to justify another military intervention, but this does not mean that there are no situations in which it would become necessary and justified.)

Much has been made out of the need to engage in "legitimate" action, which is often interpreted as consulting and working with allies and the United Nations, a good part of what Joseph Nye calls "soft" power. Sometimes disregarded in this context is the

occasional need to under-gird soft power with hard power. The United Nations often acts as a key legitimator in the international arena, but it does not and cannot command the hard power required to back up its resolutions. If the United States (in Haiti, Somalia and Liberia), France (in Ivory Coast), Britain (in Sierra Leone), Russia and NATO (in Kosovo) or Australia (in East Timor) did not provide the muscle, UN resolutions would have been of little consequence.

Fortunately, the United Nations seems to be moving in the needed direction. Security Council Resolution 1540, passed in 2004, calls for member states to criminalize WMD proliferation, secure sensitive materials in their own borders, and enact export controls. Thus there are at least some indications that the UN is considering deproliferation, not just controlled maintenance.

BUT WHY would the major powers behind the GSA, especially the United States, be concerned about the resolutions of the United Nations (or perhaps another global body formed around, say, the Community of Democracies)? Seeking approval and taking into account the views of such a body is far from a visionary notion. In a world where ever more people follow the news and are politically active, the perceived legitimacy of one's actions has become surprisingly important. Acting without UN approval in Iraq cost the United States clearly in terms of military support from allies, the sharing of financial burdens and public support at home. In one year, the Bush Administration was forced to move from declaring that the United Nations was on "the verge of irrelevancy", to repeatedly seeking a UN endorsement for its presence in Iraq, in order to legitimate the delay of elections and to work out the transition to a self-governing nation.

To the extent that more member states of the UN are democratized--a much-predicted trend--the voice of the General Assembly will be more compelling. And if the Security Council were to become more representative of today's global power structure (say by adding India, Brazil and Japan), its resolutions would hold more weight. Thus, the United Nations may well become an even more important source of legitimacy than it currently is. True, one would have to expect an "antagonistic" partnership between the UN and the great powers comprising the GSA. Yet without the power invested in the GSA, the United Nations is toothless. And without UN prescriptions, the GSA's use of force will often be considered illegitimate. That is, both sides may well take each other more into account while still trying to follow their own lights, thus jointly fashioning a better administration for the globe than if each were on their own.

The spread of sophisticated military technology has given many lesser nations, including terrorist states, unprecedented capabilities and potential in chemical, biological and nuclear warfare, as well as delivery systems for their new arsenals. Long-range missile technology is already available in some of the world's most volatile regions.... There is a painful irony in all this. After seventy-five years of costly conflicts, we are now finally at peace with all of the most powerful nations, only to find that development in, and the dissemination of, military technology threaten to make America vulnerable once again.

Elliot Abrams, "Why America Must Lead"
The National Interest (Summer 1992)

(1) The costs and dangers of a nuclear incident have been well spelled out in a number of works. See, for instance, Graham Allison, "How to Stop Nuclear Terror", *Foreign Affairs* (January/February 2004); Graham Allison & Andrei Kokoshin, "The New Containment", *The National Interest* (Fall 2002); Matthew Weinzierl, "The Cost of Living", *The National Interest* (Spring 2004); Richard L. Garwin, "The Technology of Mega Terror", *Technology Review* (July 2002); and Ashton B. Carter, "How to Counter WMD", *Foreign Affairs* (September/October 2004).

(2) I outline the "triple test" in greater detail in my recently-published book, *From Empire to Community: A New Approach to International Relations* (New York: Palgrave/Macmillan, 2004).

(3) *The 9/11 Commission Report* (New York: W. W. Norton, 2004).

(4) See Graham Allison, *Nuclear Terrorism: The Ultimate Preventable Catastrophe* (New York: Times Books, 2004).

(5) Ironically, many of these reactors were set up by the United States under Eisenhower's Atoms for Peace program.

(6) See Ashton Carter, "Overhauling Counterproliferation", *Technology in Society* (Spring/Summer 2004).

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