

## Departing from Deterrence

The United States should embrace nuclear disarmament



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Oliver Thränert | **A world without nuclear weapons is not only possible, it is at the top of the global agenda. The new American administration could give the initiative for a non-nuclear world a decisive push in the right direction. But the United States and the other major nuclear powers have to get serious about scrapping their own arsenals.**

Despite—or maybe because of—the recent chill in relations between the United States and Russia, nuclear disarmament could soon return to the forefront of the global political agenda. During the election campaign, now President-elect Barack Obama explicitly made a total ban on nuclear weapons one of his foreign policy ambitions. And nuclear disarmament and arms control provide a perfect opportunity for the incoming US president to engage Moscow. A radical turn away from the Bush administration's almost complete shunning of arms control has been endorsed by four prominent figures from both political parties: the former secretaries of state Henry Kissinger and George Schultz, former Democratic Senator Sam Nunn, and former defense secretary William Perry. Their 2007 and 2008 articles in the *Wall Street Journal* urging nuclear abolition unleashed a flood of international initiatives and new discussions.

These four Americans received strong backing from a group of former British government officials, including Lord Douglas Hurd, Sir Malcolm Rifkind, Lord George Robertson, and Lord David Owen. Traditionally non-nuclear European countries such as Norway have long been enthusiastic about abolishing nuclear weapons. The German government has consistently spoken out in favor of a complete elimination of nuclear arsenals, even if the country has yet to initiate a public debate about nuclear disarmament. Yet the foreign policy makers of Europe's nuclear powers are more cautious. British Foreign Secretary David Miliband spoke of the benefits of a world without

nuclear weapons, while at the same time implying that Britain still needs its nuclear arsenal. France shows no sign of interest in scrapping its nukes.

### Lessons from Past Experiences

In order to achieve a world without nuclear weapons, a number of imposing hurdles will have to be cleared. If the vision is to be realized, answers will need to be found to an array of fundamental questions.

Much can be learned from previous disarmament efforts. Indeed, the international community succeeded in placing binding bans on biological and chemical weapons in 1972 with the Biological Weapons Convention, and then in 1993 with the Chemical Weapons Convention. Of course these categories of weapons differ fundamentally from nuclear weapons. Most notably, chemical and biological weapons do not produce a comparable deterrence effect—nor are they understood to confer comparable international status. Nonetheless, three lessons stand out. For one, universality has to be a defining principle of the treaty. In other words, all states need to take part in these kinds of bans. Also, the ban needs strong and intrusive verification and, finally, violators of the treaty must be held accountable.

A total ban on nuclear weapons would require the participation of all the world's countries, without exception. The treaties for biological and chemical weapons failed to achieve worldwide unanimity. The biological weapons treaty was ratified by 162 countries; the chemical weapons treaty by 185. Working through the European Union, the German government has tried to bring hold-outs on board, but a number of governments consistently

resist all entreaties. Southern African states are often lacking in the bureaucratic structures needed to enforce arms control treaties. Some states, like Syria or North Korea, either want to leave open the possibility of acquiring biological or chemical weapons, or they already possess them. But given the relatively limited military value of chemical and biological weapons these exceptions were not deal breakers. When it comes to nuclear weapons, these sorts of exceptions would be unacceptable.

The legal exceptions provided for five nuclear powers have long rankled the nuclear have-nots.

Nearly all countries joined the Nuclear Nonproliferation Treaty (NPT) of 1968. Only Israel, India, and Pakistan refused to sign. North Korea is an exception since it signed then subsequently announced it would withdraw from the treaty—an announcement that not all signatories of the NPT have formally recognized. Nonetheless, these four countries are known to possess nuclear weapons—or, as in the case of North Korea, have detonated a nuclear device. Of course, they are not alone. The NPT expressly allowed five signatories to continue to possess nuclear weapons: the United States, Russia, France, Britain, and China. The legal exceptions provided for these countries have long rankled the nuclear have-nots and bedeviled the treaty. If the five powers eliminated their nuclear arsenals, it would be wholly unacceptable for the remaining nuclear states outside the NPT to maintain theirs.

Under the terms of a global ban on nuclear weapons, a secret weapons program would pose an even greater threat than it does today. Other countries

might be tempted to follow the bad example if a nuclear weapons program were to be discovered. Such a constellation would instigate a severe international crisis that could lead to a rapid and destabilizing nuclear arms race. Nuclear war could become even more—not less—likely. In order to ensure that such a scenario does not come to pass, most countries would only sign a nuclear weapons ban if an effective inspections regime was in place. Experience suggests that this is unlikely any time soon.

### The Necessity of On-Site Verification

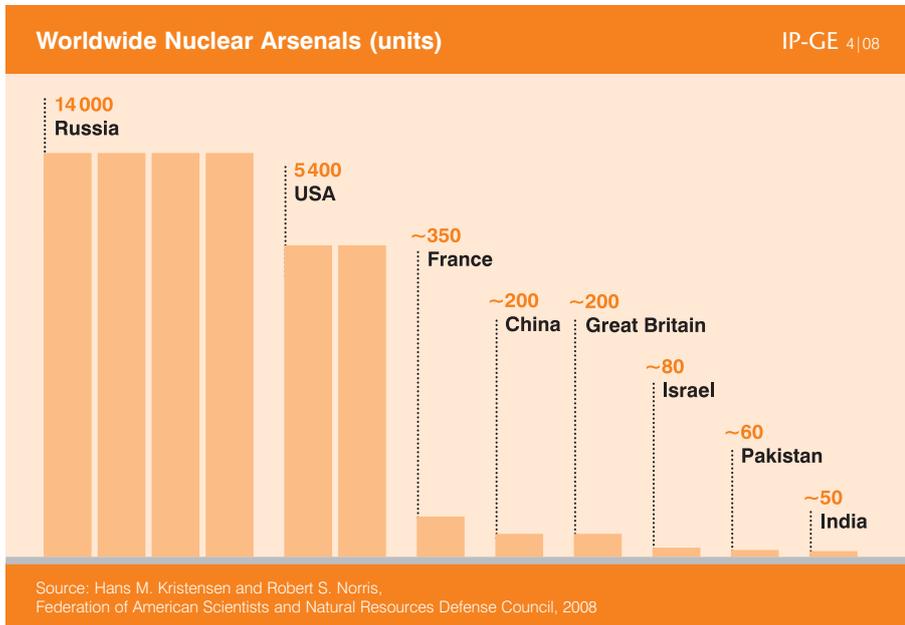
The Biological Weapons Convention was unable to ensure effective verification because, at the time of its signing in 1972, the Soviet Union considered on-site inspections too intrusive. From 1995 to 2001 the signatory states negotiated an additional protocol to the treaty that would have included improved transparency measures such as declarations and visits. But those negotiations failed. The Chemical Weapons Convention is markedly different: It includes a wide array of on-site activities that verify not only the destruction of chemical stockpiles but also allow for inspections of private industry in order to prevent the secret production of chemicals for military purposes. Effective inspections ultimately depend on national laws to back inspectors' demands for access to private industry. Furthermore, legislatures must require their constituents to declare activities that are pertinent to the treaties in question; otherwise, inspectors will not know where to search. Unfortunately, many states do not possess the administrative capacity necessary to pass and execute laws of this scale.

Although a number of states are suspected of violating the Chemical Weapons Convention, other signatories have yet to invoke the treaty's most powerful enforcement mechanism: inspections with little warning time and comprehensive access for inspectors. There are several reasons for this. For one, the country that requests a challenge inspection has to justify its suspicions in order to prevent frivolous inspection requests. But the information used to support the inspection request is often acquired by national intelligence services, and making this information public can put agents at risk. Secondly, countries fear public humiliation in the event that their suspicions are not borne out by the inspections. And lastly, countries fear that they will themselves become the target of such challenge inspections if they request inspections of others.

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The inspections undertaken by the International Atomic Energy Agency (IAEA) under the terms of the NPT have also been flawed: Saddam Hussein in Iraq, Muammar Al-Qaddafi in Libya, and Syria's Bashar Al-Assad all fooled the inspectors. The IAEA has attempted to correct for this weakness by introducing additional safeguards to the agreement: Participating countries now have to provide a comprehensive declaration of their civilian nuclear programs, as well as allow greater access to inspectors, including the right to take environmental samples at their own discretion. Only half of the original NPT states have chosen to accept the stronger inspection provisions.



So, what will happen when a country is proven to have violated a ban on nuclear weapons? The biological and chemical weapons treaties give the UN Security Council the power to hold violators accountable. The NPT does not include such a provision, but signatories can call on the IAEA Board of Governors which in turn can go to the UN Security Council. Under its authority, sanctions can be applied or even military measures taken. The bottom-line question though is whether the Security Council would actually be prepared to act in the event of an obstinate offender.

Unfortunately, recent history is again not particularly encouraging. In 1992 when North Korea was proven to have violated the NPT, the United States had to step in to negotiate a provisional agreement with Pyongyang. Later, when North Korea returned to its nuclear weapons program, China blocked efforts to bring the case to the Security Council. This changed only after the North Koreans tested a nuclear device in 2006. The Security Council then passed a package of sanctions, but the problem eventually had to be delegated to the six-party talks, which have only had middling success.

The Security Council has to act against violators of a nuclear ban.

In the case of Iran, the Security Council passed several resolutions that contained sanctions. But Iran did not change its behavior. Both Iran and North Korea show how difficult it is for the Security Council to take a resolute position. It demonstrates unanimity, but only at the expense of watering down its resolutions. Competing political interests, as well as economic and energy interests, prevent the council from taking an effective stand.

These weaknesses become especially clear when the Security Council is tasked with a case that involves one of its permanent members. After the fall of the Soviet Union, it became apparent that the Kremlin had been involved in

a massive biological weapons program in violation of the Biological Weapons Convention. The United States and Britain tried to shed light on the Soviet program through a trilateral process that included on-site activities—but only with very limited success. The Security Council was never involved because Moscow signaled that it was prepared to employ its veto.

If there would be a ban on nuclear weapons, the main question is whether the Security Council would be prepared to enforce it. A country that harbors a secret nuclear weapons program long enough to produce a bomb could effectively deter the imposition of penalties by threatening the use of nuclear weapons. And if the offender is a permanent member of the Security Council, it could always block any penalty through a veto. Indeed the permanent members of the Security Council would have the advantage of knowing that they could arm themselves with nuclear weapons without being held accountable. As a result, it would not be enough to ban nuclear weapons: The veto powers of the permanent five would have to be eliminated as well.

#### Germany's Special Role

The experiences with the biological weapons and chemical weapons conventions are not particularly encouraging. The treaties are not applicable to all states equally and verification has not been effective. In cases where compliance was questionable, enforcement did not take place. The results of the biological and chemical weapons treaties may not be satisfying but they are perhaps tolerable. For a nuclear weapons treaty—given the unique strategic significance of nuclear weapons—such half measures would be unacceptable.

Past experiences are enough to make one doubt the viability of a total ban on nuclear weapons. But the fact is we have no choice. We would do well to remember that during the Cold War it was only dumb luck that prevented a nuclear catastrophe. Mutual deterrence can always fail, and as the number of atomic powers expands the likelihood of catastrophe will increase.

Creating the conditions for a nuclear weapons-free world will take much time and effort. We need to be patient, but we can be optimistic that America and Russia will soon take important steps to reduce their nuclear arsenals. These efforts will next have to include China, France, and Great Britain—countries that have not been involved in nuclear arms control treaties. The same goes for India, Pakistan, and Israel. In the meantime, the current six-party talks will hopefully succeed in eliminating North Korea's arsenal.

Germany, which has consistently rejected the acquisition of nuclear weapons, might have limited influence on the world's nuclear powers but it can play an important diplomatic role, especially because of its postwar experiences with disarmament and arms control agreements. But if Germany wants to be involved it will need to step up and initiate a wider public debate about the challenges of creating a world without nuclear weapons.