Perspectives on Arms Control

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FOREWORD

We are pleased to publish this fifty-fifth volume in the *Occasional Paper* series of the United States Air Force Institute for National Security Studies (INSS). For the past three years INSS has organized, sponsored, and/or participated in panels addressing arms control and strategic security issues at annual meetings of the International Studies Association and its subordinate International Security Studies Section. The purpose of this effort is to keep the study and analysis of strategic-level issues visible to the broader government and academic communities at a time when few members of the academic community are undertaking research on these topics, and to perhaps spark interest in some of the graduate students and junior university faculty members to undertaking study and research in these areas. The three papers in this Occasional Paper were presented on a panel, "Diplomacy and Arms Control," organized in this case by Glen Segell and presented at the 45th Annual Convention of the International Studies Association held at Montreal, Quebec in March 2004.

Michael Wheeler sets arms control within a focused diplomatic and historical perspective. He traces the important and integral place of arms control diplomacy to United States traditions, and projects continuing relevance for arms control within that context well into the future. James Smith then approaches the topic from a process and policy perspective. He suggests that strategic arms control, nonproliferation, and counterproliferation have developed and continue as parallel tracks in United States policy, and proposes a combined policy construct for future policy effectiveness and efficiency. Glen Segell completes this set of lenses by addressing the European perspective on arms control, including the important comparative views of United States arms control policy and practice as seen through European eyes. He sees general harmony in United States and European efforts and interests, but also highlights areas of divergence and policy concern. Together the three papers present a broad and complementary package that reinforces a continuing and important role for "arms control" into the near- and mid-term future.

About the Institute

INSS is primarily sponsored by the National Security Policy Division of the Nuclear and Counterproliferation Directorate, Headquarters US Air Force (HQ USAF/XONP), and the Dean of the Faculty, USAF Academy. Other sponsors include the Secretary of Defense's Office of Net Assessment (OSD/NA); the Defense Threat Reduction Agency; the Air Force Information Warfare Center; the Army Environmental Policy Institute; the United States Northern Command/North American Aerospace Defense Command; and the United States Military Academy Combating Terrorism Center. The mission of the Institute is "to promote national security research for the Department of Defense within the military academic community, to foster the development of strategic perspective within the United States Armed Forces, and to support national security discourse through outreach and education." Its research focuses on the areas of greatest interest to our organizational sponsors: arms control and strategic security; counterproliferation and force protection; homeland defense, military assistance to civil authorities, and combating terrorism; air and space issues and planning; information operations and warfare; and regional and emerging national security issues.

INSS coordinates and focuses outside thinking in various disciplines and across the military services to develop new ideas for defense policy making. To that end, the Institute develops topics, selects researchers from within the military academic community, and administers sponsored research. It reaches out to and partners with education and research organizations across and beyond the military academic community to bring broad focus to issues of national security interest. And it hosts conferences and workshops and facilitates the dissemination of information to a wide range of private and government organizations. In these ways, INSS facilitates valuable, cost-effective research to meet the needs of our sponsors. We appreciate your continued interest in INSS and our research products.

JAMES M. SMITH
Director

EXECUTIVE SUMMARIES

The American Approach to Arms Control: What Can We Expect from American Diplomacy for the Next Twenty Years?

Michael O. Wheeler

America is widely recognized to be a powerful hegemon today. It is important to understand what the American approach to arms control might be like over the next twenty years. Will it mirror the departures of the current Bush administration, or will it go off on different trajectories? Using the broad definition of arms control that is found in the official US State Department arms control and disarmament glossary, this paper offers a historically informed discussion of how the United States got to the point it is today in arms control and where it may go from here. This is not an attempt at prediction or forecasting so much as a discussion of plausible possibilities and relevant trends. Focusing on weapons of mass destruction, and especially on nuclear weapons, it concludes that arms control is not dead in American diplomacy but is evolving. The paper describes that evolution.

A Tale of Two Countries: Russia, North Korea, and the Present and Future of Arms Control, Nonproliferation, and Counterproliferation in United States Policy

James M. Smith

This paper seeks to explain and analyze what has become a shifting, melding United States policy approach to more traditionally distinct forms of diplomatic-centric arms control and nonproliferation with the addition of military-centric counter-proliferation constructs and postures. It briefly develops a process view of "arms control" (as the umbrella under which all efforts to manage military force and arms reside) from its pre-nuclear roots and across its nuclear focus during the Cold War to today. It presents the Strategic Offensive Reductions Treaty (SORT, or Moscow Treaty 2003) and the United States-Russia relationship as representative of the continuing end game of arms control as it existed during the Cold War, characterizing that context, construct, practice, and dynamics as the traditional case and departure point

for today's US policy. It suggests that arms control is not absent from US policy today, but that it is transitioning into a new phase in the face of a new set of strategic challenges. It posits the North Korea case as representative of a whole new category of proliferation-based strategic challenges and of the emerging policy framework. It then reviews post-Cold War United States policy against that context and projects the threads of continuity and elements of change into the near-term future. Finally, from that process and policy perspective, it suggests an evolving triangular policy construct—incorporating arms control, counterproliferation, and homeland defense imperatives—as a logical lens and perhaps more effective policy approach to address the challenges and promises of the full range of "arms control" efforts today and tomorrow.

The EU Approach to Arms Control: Does It Differ from the American Approach

Glen M. Segell

The European approach to nonproliferation does not differ from the American approach. To be sure, the American approach as a hegemonic power at the start of the 21st century resembles the European approach of the Great Powers at the start of the 20th century. There is thus consensus in 2004 on the approach to the two big nonproliferation issues for European states. The first of these revolves around relations between America and European states within NATO over European regional security issues. These include the impact of NATO enlargement on Cold War arms control arrangements, particularly the adaptation of the CFE treaty; the future of the Balkans; and, specific matters in the Baltics such as the Russian Kaliningrad base. The second is commonality surrounding the ongoing arms control process on nuclear weapons and missiles between America and Russia that needs European Union (EU) consensus given EU enlargement. Integral to this is EURATOM holding jurisdiction to own, monitor, and verify nuclear material within the European Union, including the new members from Central and Easter Europe. For all of these America has a willing partner in EU states to engage in bilateral, small-party multilateral, and large-party multilateral nonproliferation efforts. Notwithstanding this trans-Atlantic nonproliferation consensus,

there are fundamental differences on counterproliferation on a global scale outside of Europe. Intrinsic differences of approach exist on the use of American armed force for counterproliferation, especially on the matter of rogue states and non-state entities. In this America finds itself having to engage in unilateral counter-proliferation. This will continue to be the case, especially if America chooses to pursue the doctrine of pre-emptive military force for arms control, namely, the Bush Doctrine. Such differences are reconcilable through multilateral cooperation such as the Proliferation Security Initiative.

THE AMERICAN APPROACH TO ARMS CONTROL: WHAT CAN WE EXPECT FROM AMERICAN DIPLOMACY FOR THE NEXT 20 YEARS?

Michael O. Wheeler

INTRODUCTION

Arms control permeated American diplomacy during the Cold War. Agendas for US-Soviet summits were built around arms control discussions, large delegations met frequently in places like Geneva, and even trivial changes in the arms control talks often made the front pages of major newspapers around the world. This changed with the fall of the Berlin Wall.

The change was healthy. Nuclear arms control had become so important precisely because it was the only hope for stabilizing a dangerous nuclear relationship that, if it spun out of control, would lead to Armageddon. From America's earliest postwar studies of the bomb, it was clear that there was no possibility of providing a defensive shield around the United States so complete that no nuclear weapons could penetrate it, that even a few nuclear weapons exploding on American cities would be an unprecedented catastrophe, and that deterrence of nuclear attack thus was imperative. Preventing another world war also was vital as was containing Soviet ambitions in Eurasia, and to achieve those ends, the United States had to demonstrate a willingness to be the first to use nuclear weapons if absolutely necessary, even if this ran a high risk of triggering the nuclear holocaust it otherwise sought to deter. NATO accepted this risk. The contradictions inherent in these conflicting goals never were absent from nuclear strategy during the Cold War. [1]

Arms control became part of a grand strategy of deterrence and containment. The basic logic of nuclear arms control from the 1960s onward was to stabilize the nuclear relationship while at the same time assuring that any arms control proposal or agreement was militarily sufficient, that it to say, if adopted would leave the United States sufficient nuclear power to support its deterrence plans. Deterrence always was a dangerous business. As Lawrence Freedman wrote in 1998, "Nuclear deterrence worked better in practice than in theory. It was barely tolerable as a grand strategy, overhung as it was by the nagging question: 'What happens if deterrence fails?'"[2] Thankfully, we never had to give an answer.

As the United States disengaged from the Cold War, questions about the future of its arms control policy inevitably arose. Avis Bohlen, a foreign service officer who ended her distinguished diplomatic career serving as the assistant secretary of state for arms control (1999-2000), used her year as a public policy scholar at the Woodrow Wilson International Center for Scholars in Washington DC to reflect on the changes. "What currently remains of arms control," she argues, "is a very different animal from the Cold War variant. It is unlikely ever again to be so central a preoccupation of US foreign policy." Bohlen concludes:

> The principal contribution of arms control today lies in the normative framework it helps to maintain. Defining rules about what is broadly acceptable to the international community remains essential to defining the kind of international order we wish to maintain. Even if the rules on their own are insufficient to maintain that order, they remain an important tool for combating proliferation.[3]

Rose Gottemoeller, currently a senior associate at the Carnegie Endowment for International Peace and formerly an official in the Clinton administration responsible for cooperative security programs

with Russia, offers a different perspective when she writes of the new American-Russian arms control relationship: "The particular danger is that unilateral measures will be rushed into place to supersede negotiated agreements before a high level of trust is established at all levels in Moscow and Washington." In the article cited herein and in her other work, Gottemoeller is seeking a reorientation of arms control efforts to ease the continuing transition in American relations with Russia.[4]

Brad Roberts, currently a member of the research staff at the Institute for Defense Analyses (IDA), formerly editor of *The Washington Quarterly,* and a thoughtful arms control expert, on the eve of the presidential election in 2000 surveyed the American arms agenda. Roberts asked rhetorically whether arms control was becoming more or less important to the national security of the United States and, while not answering the question directly, sounded a cautionary tone. "The broad centrist commitment to arms control so evident a decade ago," he argues, "has been replaced [in Washington] by something more familiar: a replay of the old debate between the two extremes, between those who believe arms control is not in the national interest and those who see it as an unalloyed good, as the right and necessary work of any decent nation."[5] His main thesis was that fundamental choices lay ahead.

Lewis Dunn and Victor Alessi, two highly respected American authorities with a rich blend of arms control experiences in government and in the private sector, offer another point of view. They argue that "the years ahead may be a period in which traditional arms control, as practiced since the launch of SALT negotiations over three decades ago, will stumble at best and become deadlocked at worst." Their

conclusion is that "the US may have to pursue its arms-control objectives through less formal, non-treaty-based means."[6]

Having been an arms control professional for much of my career,[7] I found myself on numerous occasions in the 1990s at conferences and workshops where the conversation turned to the question of what was happening to arms control. Was the strategic arms control process, then in stalemate, essentially over? Was the Nunn-Lugar program funded adequately and pursued sufficiently vigorously? Had counterproliferation replaced nonproliferation as a national objective? Was the disbanding of the Arms Control and Disarmament Agency (ACDA) and the transfer of its responsibilities to the office of an under secretary in the State Department anything but evidence of arms control's decline? Was the Senate's defeat of the Comprehensive Test Ban Treaty (CTBT) a historic occasion, akin to the refusal of an earlier Senate to allow America to join the League of Nations? Did the Nuclear Non-Proliferation Treaty (NPT), under stress from a number of directions, have a future? *The Washington Quarterly* in its spring 2000 edition put the issue nicely: Is arms control dead?[8]

These sorts of questions were asked long before the current presidency of George W. Bush but certainly acquired a sharper edge when the Bush administration withdrew from the Anti-Ballistic Missile (ABM) Treaty, issued a new Nuclear Posture Review (NPR), and—post 9/11—published a national security strategy that emphasized the doctrine of preemption and the objective of keeping "the world's most dangerous weapons" (a phrase often repeated by the President) out of the hands of terrorists and dangerous regimes.[9]

Whether arms control is dead, expiring, being kept alive on life support, shedding its old skin, transfiguring, being reborn, or rushing off in new directions, one thing is clear—its role in American foreign

policy certainly is different. But is it truly that different from the past? To answer that question, we need to understand what arms control is, and how it has evolved in American foreign policy since the birth of the republic.

Throughout the odyssey of the past forty or so years, I have often thought that the public discussion of arms control was much too narrowly focused. In the first place, it often is unclear what interlocutors in the discussion mean by "arms control." I personally prefer the broad definition that was (and still is) to be found in the official US State Department Glossary—a definition, I might add, that many Americans appear never to have read, which says that arms control is:

> Any unilateral or multilateral step taken to reduce or control any aspect of either a weapon system or armed forces. Such reductions or limitations might affect the size, type, configuration, production or performance characteristics of a weapon system, or the size, organization, equipment, deployment, or employment of armed forces.[10]

Under this broad definition, treaty-based arms control of the modern variety shades into a much wider diplomatic agenda and, more generally, into how one approaches the international law of armed conflict and the entire realm of regulating trade in weapons technologies and arms.

Perhaps even more daunting to thoughtful analysis than an excessively narrow definition of arms control is the myopic focus one often finds in the arms control literature that tends to treat "arms control" largely as a post-World War II phenomenon. As Walter Russell Mead cogently notes in his recent study of the history of American foreign policy, "Even today in the United States, most policy-makers and pundits think that foreign policy played only a very marginal role in American life before World War II, and that there is

little to be gained by studying the historical records of our past."[11] When one examines the role of arms control in American diplomacy in earlier periods, a sense of balance and perspective emerges that helps us understand the American practice of arms control today and into the near term.

What I intend to do in this paper is to pursue, using the broad definition of arms control cited above, a historically informed discussion of how the United States got to the point it is at today in arms control and where it may go from here. This is not an attempt at prediction or forecasting so much as a discussion of plausible possibilities and relevant trends. I do not adopt any single methodology for peering into the future, although I find the approach of the US National Intelligence Council (NIC) in its Project 2020 endeavor to be clear and appealing.[12] I focus on weapons of mass destruction (WMD) and especially on nuclear weapons, not to deny the relevance of arms control to other areas (e.g., land mines, small arms, or conventional forces in Europe) but because now, as was the case during the Cold War, the most lethal threats come from WMD.

Finally by way of introduction, I note my affinity with a thesis advanced by my late instructor, Eugene V. Rostow. In his masterful study of American foreign policy, *Toward Managed Peace,* Rostow contended that "the supreme security interest of the United States—the interest most worth fighting for—is an organized and effectively enforced system of general international peace." This would not be, Rostow explained, "a world order of Utopian perfection, but one in which the phenomenon of war is kept within tolerable limits by the cooperation of the states which constitute the world community, and especially of the major powers, or at least a decisive number of them."[13] Rostow had a long and distinguished career as a government

official (serving, among other posts, as Director of the Arms Control and Disarmament Agency) and as an academic figure, perhaps best known for his tenure as Dean of the Yale Law School. He understood and inspired others to appreciate the importance of a long-term perspective when studying American foreign policy and its supporting diplomacy. It is with that thought in mind that I begin this discussion.

THE AMERICAN FOREIGN POLICY EXPERIENCE: SOME PERSPECTIVES

"In the twentieth century," writes Henry Kissinger, "no country has influenced international relations as decisively and at the same time as ambivalently as the United States." He continues:

> No society has more firmly insisted on the inadmissibility of intervention in the domestic affairs of other states, or more passionately asserted that its own values were universally applicable. No nation has been more pragmatic in the day-to-day conduct of its diplomacy, or more ideological in the pursuit of its historic moral convictions. No country has been more reluctant to engage itself abroad even while undertaking alliances and commitments of unprecedented reach and scope…. Torn between nostalgia for a pristine past and yearning for a perfect future, American thought has oscillated between isolationism and commitment, though, since the end of the Second World War, the realities of interdependence have predominated.[14]

When Kissinger published those words in the early 1990s, he argued that "America's journey through international politics has been a triumph of faith over experience."[15] Since then he had not changed his views although he has updated his analysis, e.g.:

> Especially in the 1990s, American preeminence evolved less from a strategic design than a series of ad hoc decisions designed to satisfy domestic constituencies while, in the economic field, it was driven by technology and the resulting unprecedented gains in American productivity. All this has given rise to the temptation of acting as if the United States needed no long-range foreign policy at all and could confine itself to a case-by-case response to challenges as they arise.[16]

Kissinger is not alone in this critique of American foreign policy, but is he right? In calling attention to the many contradictions in American foreign policy—even on matters of principle—and to its frequent shifts, he is on firm ground. But in concluding that there is no underlying pattern ("faith over experience"), a number of others would disagree with his reading of American diplomatic history. Walter Russell Mead, already cited in this paper, contends that America has had a remarkably successful foreign policy over the past two hundred years—a foreign policy that emerged from a dynamic interaction among four opposing orientations which he calls, using as shorthand American political figures who reflected the traits:

- ***"Hamiltonian"***: a preference for strong national government, emphasis on America's commercial interests, and the need to integrate America into the global economy on favorable terms.
- ***"Jeffersonian"***: suspicion of strong national government, emphasis on safeguarding democracy at home, fear that excessive involvement abroad could undermine American values and disturb American security.
- ***"Wilsonian"***: belief that American security lies in exporting American democratic and social values throughout the world and proactively creating an international community that accepts the rule of law.
- ***"Jacksonian"***: assertive defense of American interests, using every means of power available, not seeking foreign quarrels but not shrinking from them either: "Don't tread on Me!"

"These four schools have shaped the American foreign policy debate," Mead argues, "from the eighteenth century to the twenty-first. They are as important under George W. Bush as they were under George Washington and from everything I can see, American foreign policy will continue to emerge from their collisions and debates far into the future."[17]

Walter A. McDougall reaches a similar conclusion, albeit with a different analysis. "We must begin, he argues, by recognizing that the end of the Cold War did *not* hurl us into a state of confusion over our role in world politics. It merely revealed anew the confusion Americans have usually displayed about foreign policy except when 'clear and present danger' loomed." The analytic lenses McDougall adopts are explained metaphorically:

> We Americans have such a bible of foreign affairs, canonized over the course of two centuries and divided into two testaments, each with four books. Our Old Testament dominated the rhetoric and, for the most part, the practice of U.S. diplomacy from 1776 to the 1890s, and preached the doctrine of Liberty at home, Unilateralism abroad, an American System of states, and Expansion. These four traditions were all about Being and Becoming, and were designed by the Founding Fathers to deny the outside world the chance to shape America's future. Our New Testament in foreign affairs has likewise dominated the rhetoric and, for the most part, the practice of U.S. diplomacy in the twentieth century, and preached the doctrines of Progressive Imperialism, Wilsonianism, Containment, and Global Meliorism, or the belief that America has the responsibility to nurther democracy and economic growth around the world. These last four traditions are all about Doing and Relating, and were designed to give America the chance to shape the outside world's future.[18]

THE AMERICAN ARMS CONTROL EXPERIENCE

Arms control, broadly defined, has been pursued by American statesmen since the birth of the republic and has helped to shape the world order, something for which the United States (like Great Britain) has come to feel a special responsibility. What follows is a highly selective, much abbreviated overview of the American arms control experience over the past two centuries.[19]

The Rush-Bagot Treaty

On January 25, 1816, John Quincy Adams (hereafter referred to, as was common in his family to distinguish him from his father, as JQA), American minister to the Court of St. James, met with Lord Castlereagh, British foreign secretary, for one of the periodic discussions the two had held since JQA arrived in London the preceding May. The American agenda included the continuing question of an Anglo-American commercial treaty and issues requiring further negotiation consequent to the Peace of Ghent that had ended the War of 1812 (Adams had chaired the American delegation that negotiated this agreement). Four issues in particular were on JQA's mind: impressment of seamen ("the most important") and three matters related to American-Canadian relations: Indians along the frontier, "the temper of British local authorities" in Canada, and "British armaments on the Lakes." JQA recorded in his diary that evening that he had informed Castlereagh that "The American Government, anxious above all for the preservation of peace, have authorized me to propose a reduction of the armaments upon the Lakes on both sides."[20] Thus began the dialogue that resulted, in the Rush Bagot Treaty of 1817, an agreement that, in the words of the late, distinguished American diplomatic historian, Samuel Flagg Bemis, is "the first instance of reciprocal naval disarmament in the history of international relations, the most successful and lasting precedent, and certainly an advantageous arrangement for the largest interests of the United States."[21]

JQA repeated his offer to Castlereagh in a formal note of March 21, 1816, and Castlereagh responded positively. The Rush-Bagot Treaty is the first instance of a bilateral arms control agreement between the United States and a major adversary. It did not arise in a

vacuum. The question of dealing with fortifications and armed forces along the disputed northern frontier was present ever since the Peace of Paris (1783) that ended the American revolution. JQA's father John Adams had negotiated on this issue as had JQA himself prior to 1816. That the negotiations succeeded after 1816 where they had failed earlier—and that the resulting treaty took hold—were due to several things: Lord Castelreagh's personal views that the interests of Great Britain could best be secured in the new Concert of Europe by a parallel normalization of relations with the United States; broader territorial settlements with Britain in 1818; and domestic shifts in the United States and Canada, accompanied by the attitudes of successive British governments, that put to rest the question of American interests in extending its frontiers into Canada. While formal negotiations were underway in Washington between the British and the American sides (conducted by the British minister to Washington, Charles Bagot, and by the American secretary of state, James Monroe), JQA and Castlereagh brokered a less formal agreement that so long as talks were ongoing, neither side would commence new armament programs on the frontier waters. This agreement was honored and the talks succeeded.

That the treaty was not named the Monroe-Bagot treaty is due to one of those coincidences of history. The treaty was concluded one month after James Monroe took his oath of office as the fifth president of the United States. Richard Rush, acting secretary of state in April 1817, had nothing to do with the negotiations, but since he signed the notes with Charles Bagot, he has his name associated in history with this agreement.

The Rush-Bagot Treaty still is in existence. Today it is one of roughly 10,000 extant treaties to which the United States is party. At the time it was negotiated and in subsequent years, the treaty was part

of a wider agenda for normalizing American relations with its northern neighbor and with the British government, never the centerpiece of that agenda.

The Lieber Code and the Codification of Laws of War

If one accepts the broad definition of arms control cited earlier, then the effort to specify legal rules governing the employment of armed forces is closely related to, if not part of, arms control. This leads us to explore briefly the American role in creating the modern law of war.

"The roots of the modern law of war," writes Burrus M. Carnahan, "lie in the 1860s." He continues:

> Developments in this decade began in 1862 when Henry Dunant published *Un Sovernir de Solferino*, which inspired the conclusion two years later of the first Geneva Convention on treatment of the sick and wounded. Four years later came the first multilateral agreement to ban the use of a particular weapon in war [explosive projectiles under 400 grams weight]. And in 1863, before either of these agreements had been concluded, the earliest official government codification of the laws of war was promulgated by the United States. This codification was issued as General Orders No. 100, Instructions for the Government of Armies of the United States in the Field, more commonly known as the "Lieber Code."[22]

Dr. Francis Lieber, a combat veteran from Europe, was then professor of law at Columbia College. He had emigrated to the United States in 1827 to escape political persecution in Prussia, received his teaching appointment at Columbia by 1857, and when the American Civil War broke out in 1861, found that his family was divided by the war (he had sons fighting on each side). Francis Lieber, himself a dedicated abolitionist, was an early supporter of the North and an adviser to the U.S. army on treatment of Confederate prisoners and on how to handle "irregular" forces (guerrillas). Lieber proposed to the commanding general of the army in November 1862 that the President

should issue a codified set of rules and regulations to govern Union combat operations. This led to appointment of a board of five (Lieber and four general officers) who produced the code that President Lincoln approved and issued on April 24, 1863.

The intent at the time was to govern American operations in the field, not to prescribe universal rules, but since Lieber, the chief draftsman, began with what he understood to be the uncodified international laws and customs of war, it is not surprising that this unilateral effort influenced efforts abroad. The St. Petersburg declaration of 1868 and the Brussels declaration of 1874 (resulting from conferences where the United States only sent observers) were in critical ways based on elements of the Lieber code, and through these and other channels, the Lieber code became the basis for the Conventions on Land Warfare of 1899 and 1907 of the two Hague Peace Conferences.[23]

America's proactive involvement with adapting the laws of war to changing circumstances continues today. The status of foreign prisoners detained at the US naval base in Guantanamo Bay, Cuba, is a case in point. It remains unclear whether the Bush administration's efforts to argue that they are, properly speaking, not prisoners of war and hence can be treated differently, will over time become a widely accepted customary practice that redefines the laws of war.

From the Hague Peace Conferences to the United Nations Charter

By the time that the government of Tsar Nicholas II took the initiative to call for the first Hague Peace Conference, which convened in May 1899, the United States was in transition to becoming a world power. President William McKinley appointed five American delegates to the conference, including two military officers one of whom at the time was America's most respected military intellectual,

Navy Captain Alfred T. Mahan.[24] The 1899 conference adopted a broad agenda pursued through a number of subcommittees looking at ways to limit the ongoing arms races and to humanize warfare; to deal with emerging military technologies such as submarines and aerial bombardment; to revise the laws of land warfare and to adapt them to war at sea; and to advance the cause of international arbitration of disputes. Twenty-six nations attended the conference.

Secretary of State John Hay instructed the American delegation to focus on revising and extending the laws of war and on the issues related to arbitration, not on proposals for disarmament or for humanizing warfare. "It is doubtful," he wrote in the instructions, "if wars are to diminished by rendering them less destructive, for it is the plain lesson of history that the periods of peace have been longer protracted as the cost and destructiveness of war have increased." And in a passage reminiscent of later American attitudes toward preserving flexibility for exploiting military technologies, he added: "The expediency of restraining the inventive genius of our people in the direction of devising means of defense is by no means clear…."[25]

Notwithstanding these instructions, the US Army member of the delegation, ordnance expert Captain William Crozier, took the initiative to broker a compromise in the subcommittee considering whether to adopt a "perpetual prohibition of the use of balloons or similar new machines for throwing projectiles or explosives." Crozier proposed, on the grounds that the technologies then available did not permit discriminate use of explosives from balloons, that the prohibition should be only of five years' duration. This limitation, he reported back to Hays, "preserves liberty of action under changed circumstances which may be produced by the progress of invention."[26] Hays accepted

this argument as did the other nations at the conference, and the American compromise was part of the final settlement.

The American delegation to the First Hague Conference played a modest but constructive role in working groups and in plenary sessions. When the plan to convene a Second Hague Conference was delayed, the United States took the initiative to communicate with the governments represented at the First Hague Conference urging them to meet again. The replies to this demarchè were uniformly favorable. Once Theodore Roosevelt had brokered the Treaty of Portsmouth that ended the Russo-Japanese war (an action which won for him the Nobel Peace Price), arrangements were made for the second conference to meet in 1907.

These two Hague Peace Conferences, in the opinion of the American legal scholar, Detlev F. Vagts, "opened the doors—just barely—to the era of arms control."[27] A third conference was planned but was postponed by world crises and then overtaken by the outbreak, after a century of relative peace in Europe, of the First World War. It never met.

The United States at first retained a neutral position in the war in Europe, then reluctantly sent an expeditionary force abroad. President Woodrow Wilson cast America's involvement in high moral terms, fighting for democracy and for a postwar vision of a new world order. This vision, articulated in a series of speeches and statements, and drawn together in Wilson's Fourteen Points of January 1918 expressing America's war aims, included elements of postwar disarmament and arms control (4th point) and collective security through a new association of nations (14th point). Wilson personally went to the Versailles peace conference and championed the creation of a League of Nations. Wilson sent the Versailles treaty to the Senate in July 1919

and by the time voting began in November, it was clear that the League would fail unless Wilson was willing to compromise on a number of key points by accepting Senate reservations (he was not). Americans withdrew into a new isolationism during the interwar years.

American isolationism after World War I—refusal to join the new multilateral organizations created by the Versailles treaty, reassertion of a tradition of neutrality—did not mean withdrawal from arms control diplomacy. The United States convened the Washington Conference of 1922 that established by treaty the principle of limiting specified warships of the five leading naval powers. American representatives attended other multilateral meetings, including the London Naval Conference of 1930 and the Geneva Disarmament Conference of 1932.

The experiences of the interwar years—Germany secretly and successfully violating the mandated disarmament provisions of the Versailles treaty, Germany and Japan joining international organizations while they built their strength and withdrawing when expedient, Hitler signing pledges and treaties he did not intend to honor—would be cited by later generations of American officials as reasons to suspect the value of arms control. Robert Gordon Kaufman, in his study of interwar naval arms control, arrives at five "findings" (his phrase), which I quote below:

> 1. The first is how constantly events confounded American civilian leaders' hopes for and their assumptions underpinning arms limitation. The treaties failed to achieve their intended goal of "positively ending the arms race" and freezing the naval balance indefinitely. Nor did the process of naval arms limitation even divert or mute the military competition symmetrically. To cite the most important asymmetry: Japan kept building warships even when the United States slowed its building program….
>
> 2. The second theme is the primacy of politics in naval arms limitations. No formula or yardstick sufficed in itself to bring about the naval limitation agreements. On the contrary, the

> record of naval limitation suggests strongly that arms limitation will fail without corresponding political détente….
>
> 3. The third theme is the difficulty of meshing with foreign policy objectives. American civilian leaders failed utterly to reconcile U.S. political commitments in the Far East with American naval capabilities….
>
> 4. The fourth theme is that democracies face major disadvantages in negotiating arms limitation agreements with more closed societies….
>
> 5. The fifth theme is the importance of having a vigorous building program in being for bargaining leverage.[28]

Many of these views carried through to later decades and, arguably, remain part of the arms control debate today. In 1932, in the midst of the Great Depression, Franklin Delano Roosevelt (hereafter referred to as FDR) was elected 32nd president of the United States. FDR, a sub-cabinet official in the Navy Department during the Wilson administration, was a "disenchanted Wilsonian and a believer in realpolitik."[29] He presided over an American public that refused to extend security assurances to France or to meet Hitler's violations of the Versailles treaty with force. The United States engaged actively but unsuccessfully in the Geneva Disarmament Conference. Once the war in Europe was underway but before the United States formally was at war, FDR took the initiative when first meeting with Churchill off the coast of Newfoundland in August 1941 to press for the Atlantic charter.

The Atlantic charter was a statement of principles to help define a new vision for a postwar world. FDR concentrated on disarmament of aggressors and a new collective security mechanism designed to avoid the mistakes of the League. FDR also was looking ahead to America extending security assurances of a sort it was unwilling to entertain in the interwar years. FDR "would not," Townsend Hoopes and Douglas Brinkley argue, "favor creating a new League of Nations, or anything like it, until the United States and Great Britain had functioned as a

world police force for a number of years after the war and had effectively disarmed aggressor nations and established a stable international situation." They continue:

> The President's requirement for international stability, which he had often shared privately with [Under Secretary of State Sumner] Wells, in fact went beyond disarming aggressor nations. It included the view that even peace-loving small nations could play no useful role in the international policing function: in time of war, their armies were worthless against the larger, more modern forces of the major powers; and in peacetime, the cost of such establishments was a crushing burden upon their fragile economies. As the maintenance of these numerous small establishments was therefore a terrible social waste, it would be in the general interest to disarm them after the war, "thereby ridding the world of an unnecessary burden upon humanity, as well as of a danger to international peace." Only the major powers would be in a position to undertake such a task. In their private debates with Wells, the President rather impatiently brushed aside all considerations of the national pride of small countries, or the fact that age-old hatreds between national neighbors (as in the Balkans) created an imperative need for the means of self-defense. Nor did FDR address the formidable task of actually disarming such nations, and then making sure that they stayed disarmed.[30]

These were FDR's private thoughts in the autumn of 1941, prior to Pearl Harbor, prior to any certainty that Stalin's Russia could withstand Hitler's armies, prior to development of the atomic bomb. By his death in April 1945, FDR's views on the postwar settlement appear to be much more internationalist and less oriented toward the notion that the major powers (in FDR's view, the United States, Great Britain, Russia, China) could dictate the peace without taking into account the views of the smaller powers. [31]

By early 1945, American hope for the postwar world order was centered on the United Nations. When FDR died in April 1945, Harry S. Truman's first policy decision as president was to confirm that the San Francisco conference would proceed as scheduled, to draw up the

charter for the United Nations. Arms control was part of this scheme. Article 11 of the UN Charter would provide that the General Assembly may consider "the principles governing disarmament and the regulation of armaments." Article 26 recognized the Security Council's responsibility for formulating plans "for the establishment of a system for the regulation of armaments."

Postwar planning began in Washington long before the Japanese surrendered in the autumn of 1945 but was hampered by the fact that most wartime planning staffs were unaware of the secret nuclear program, while for those privy to its secrets there was little time for more than perfunctory postwar planning. This also was true of international meetings. As John Foster Dulles, himself an American delegate to the San Francisco conference, later observed, the United Nations was designed without taking into account the revolution in world affairs about to be wrought by the atom bomb.

On August 6, 1945, the first atomic bomb used in combat was exploded at Hiroshima. On August 8, President Truman signed the formal document by which the United States ratified the Charter of the United Nations, an action to which the United States Senate had given its advice and consent on July 28, and on August 9, the second (and, to date, the last) atomic bomb used in combat was exploded at Nagasaki. Shortly thereafter Japan surrendered unconditionally, and the Second World War (or by some accounts, the interrupted world war that began in 1914) was over.

In his report to the nation broadcast on radio on August 9, 1945, President Truman said that "the atomic bomb is too dangerous to be loose in a lawless world" and proposed that the secret of the bomb would not be revealed "until means have been found to control the bomb so as to protect ourselves and the rest of the world from the

danger of total destruction." In the interim, he asserted, the United States and Great Britain "must constitute ourselves trustees of this new force—to prevent its misuse and to turn it into the channels of service to mankind."[32] But as the United States would soon discover, other nations were no more willing then to grant the United States "trusteeship" of the bomb, than are today willing to recognize an American doctrine of preemptive or preventive war. Thus the world entered the nuclear age.

Nuclear Arms Control during the Cold War[33]

In 1957 in *De la Gurrre,* published in English translation the following year, the astute French strategic analyst, Raymond Aron, devoted his first chapter to the failure of atomic disarmament. He somberly concluded that nuclear arms control faced little chance of success so long as the practice of states "is always to suspect, often to fight, and sometimes to destroy each other. Science helps men to kill one another by mass production; it does not teach them wisdom."[34]

Whether anything akin to wisdom was achieved by the nuclear arms control endeavors of the Cold War is problematic. What was achieved is remarkable, however, beginning when the newly created United Nations General Assembly in its first resolution in January 1946 created a commission to negotiate on nuclear arms—an initiative championed by the United States. From 1946 extending to the end of the Cold War, nuclear diplomacy created a massive edifice of treaties and regimes that cast a web of bilateral and multilateral agreements, customs, practices, rules, laws, export controls, and expectations that, in Eugene Rostow's colorful phrase, helped smother war with diplomacy. This effort was pursued through the administrations of nine Cold War American presidents and through countless changes in

leadership in the American congress. What follows is a brief summary of that journey.

In the summer of 1946, the United States presented the Baruch plan to the newly formed UN Atomic Energy Commission. Within days it was clear that the Soviets were unwilling to accept this initiative, and within months, it equally was clear that the alternatives offered by the Soviets were not serious and that the prospects of successful conclusion of a treaty were dim. As the Cold War began in earnest, arms control negotiations deadlocked in what came to be perceived as a public relations battle—something that, in its own right, had value. One of the major reasons the United States continued to negotiate when the chances of success were so distant was in order to legitimize a nuclear modernization effort in which arms programs, valuable for their contribution to deterrence and containment, could be terminated, reduced and otherwise controlled, if acceptable, properly safeguarded arms control agreements were reached. This logic lay behind NSC 112, US policy on arms control, discussed in the National Security Council (NSC) on July 18, 1951, and approved by President Truman the next day.[35] Many aspects of NSC 112 (e.g., commitment to arms control advancing in stages) would be found in subsequent policies throughout the Cold War.

President Eisenhower took office in January 1953 and, especially after the death of Stalin that spring, tried to devise modest steps to engage the Soviets in arms control, first with his atoms for peace proposal (1953) and later with such initiatives as open skies and the expert talks on nuclear testing.[36] By 1963, the first agreement on nuclear testing was achieved, the Limited Test Ban Treaty (LTBT). A number of other testing agreements would follow in subsequent years.

By the end of the 1950s, the nuclear arms race was well underway and the United States and the Soviet Union were acquiring nuclear stockpiles of apocalyptic proportions. It was out of this dynamic that the Americans developed the view that the primary purpose of nuclear arms control was to stabilize the nuclear relationship.[37]

This did not mean, however, that proliferation was ignored. The Baruch plan had been inspired in part by fear that over time and absent international control, proliferation was inevitable. Russia detonated its first nuclear bomb in 1949 and Britain in 1952. It was a matter of time before other nations would follow suit. In the late 1950s, Ireland introduced the first of a series of resolutions in the General Assembly, calling for a new multilateral convention to control nuclear proliferation, but Soviet fears that West Germany, a NATO ally, would indirectly acquire access to nuclear weapons via NATO nuclear sharing arrangements posed a major stumbling block to progress. After the first Chinese nuclear test in October 1964, President Johnson directed a major study of American policy in this area, resulting in 1965 in Johnson's decisions to make some of the difficult compromises (e.g., giving up support for the Multilateral Nuclear Force in NATO), in order to pursue seriously a Nuclear Non-Proliferation Treaty (NPT). This proved to be sufficient to overcome Soviet objections, and with the two superpowers seriously engaged, the negotiations at the Eighteen Nation Disarmament Conference (a predecessor of today's Conference on Disarmament) proceeded to conclusion.[38]

The NPT was completed in 1968, by which time Washington and Moscow had agreed to engage in strategic nuclear arms talks. Entry into force of the NPT and the formal initiation of strategic arms talks were delayed by the Soviet military intervention in Czechoslovakia. The strategic arms talks finally began during the Nixon administration,

under the supervision of Henry Kissinger. By 1972 the first agreements—an interim agreement on strategic offensive arms (SALT I) and a treaty on anti-ballistic missiles (ABM) were finished. From then until the end of the Cold War, these bilateral talks continued, first in the SALT process, then branching into brief talks on theater nuclear arms toward the end of the Carter administration, then branching into the intermediate nuclear force talks (INF) and the strategic arms reductions talks (START) in the Reagan and George H. W. Bush years.

Along with these cornerstone US-Soviet strategic arms agreements, there was a wide variety of other mechanisms—nuclear testing treaties, nuclear-weapon-free zones, confidence and security measures, export control regimes, conferences and recurring meetings, unilateral initiatives, and the like—which together formed the web of Cold War nuclear arms control. A broad supporting literature and a generation of arms control experts were part of the process.

Nuclear Arms Control after the Cold War

The Cold War ended somewhere between the fall of the Berlin Wall in the autumn of 1989 and Gorbachev's resignation at the end of 1991 after an aborted coup failed to remove him from power. George H. W. Bush, 41st president of the United States and the father of America's current president, presided with great skill over the transition, as did congressional leaders (the Nunn-Lugar Cooperative Threat Reduction Program became law in 1991). The last Cold War arms control agreement, START II, was signed in January 1993 just before George H. W. Bush left office.

Bill Clinton, 42nd president of the United States, pursued an arms control agenda that, while still rooted heavily in the Cold War bilateral and multilateral arrangements oriented toward the Soviet threats, began to grapple with the emerging realities of the post-Cold War world,

especially the fact that WMD and other advanced military technologies (such as modern ballistic missiles) were proliferating widely to problem states like Iraq, Iran, Libya, Syria, and North Korea. These states were hostile to American interests, heavily totalitarian in nature, often supporters of terrorism, and threatened the American agenda of seeking a stable world order of prosperous democracies. It was on Clinton's watch that the counterproliferation initiative was launched, military containment of Iraq was sustained largely by American military forces assisted by the British, a framework agreement for dealing with North Korea was reached, and cooperative threat reduction was institutionalized. In 1995 the NPT was extended indefinitely after an intense lobbying campaign by the President and his representatives—perhaps the most important arms control accomplishment during Clinton's years. It also was on Clinton's watch that India and Pakistan conducted a new round of nuclear tests (1998) and that the US Senate defeated the CTBT (1999). The 49-page National Security Strategy white paper released by the Clinton White House in December 1999—the last such document of Clinton's administration—devoted four full pages to the topic of arms control and nonproliferation.[39]

The George W. Bush Administration and Arms Control

Foreign policy was not a major issue in the campaigns preceding the presidential elections of 2000, but it was not absent. For instance, in his campaign speech at the Citadel on September 23, 1999, Governor George W. Bush, candidate for the Republican nomination for president, firmly asserted one of the persistent messages of his campaign. If elected, he would, at the earliest possible date, deploy anti-ballistic missile systems and to make this possible, would offer Russia amendments to the ABM treaty. But he left no doubt what he would do if the Russians balked at the proposals: "I will have a solemn

obligation to protect the American people and our allies, not to protect arms control agreements signed almost 30 years ago."[40]

Governor Bush and his advisers communicated the message that if elected, he would reprioritize and reorient arms control away from the ABM treaty and the START process, away from the CTBT (although he did not indicate an intent to return to nuclear testing), and in the direction of giving more flexibility to American military planning. Although explicitly critical of the CTBT, Bush was largely silent on the NPT. When Condoleeza Rice, Bush's chief foreign affairs adviser, was invited to write a Republican view of foreign policy for the January/February 2000 issue of the magazine *Foreign Affairs,* she too aimed explicitly at the CTBT, citing the treaty as a prime example of what she called "the Clinton administration's attachment to largely symbolic agreements and its pursuit of, at best, illusory 'norms' of international behavior." She asserted that this sort of behavior was "epidemic" for Democrats and "is not leadership." Turning to charges against Republicans, she concluded: "Neither is it isolationist to suggest that the United States has a special role in the world and should not adhere to every international convention and agreement that someone thinks to propose."[41] The Kyoto protocol, the International Criminal Court convention, and the verification protocol to the Biological Weapons convention would become early targets of the new Bush administration.

George W. Bush became 43rd president of the United States after one of the closest elections in American history. He appointed a controversial figure, widely perceived to be a leading neoconservative critic of much of the traditional arms control agenda, to the key position of under secretary of state for arms control and international security (the successor to the director of ACDA). In May 2001, the Senate

narrowly confirmed John Bolton for this post by a 57-43 vote split along party lines (seven Democrats joined the unanimous Republican vote to support his nomination).

Talks on transition in the strategic nuclear relationship were well underway with the Russians prior to 9/11. The new global war on terror moved the two sides closer to one another and in a press conference in Washington on November 13, 2001, following the summit at Crawford, Texas, Presidents Bush and Putin appeared side by side in the East Room. Bush informed the world that the two sides were making great progress in putting the threats of the 20th century behind them as they look to work closer together to meet the new threats of the 21st century. [42] President Bush had told Putin that the United States would break the logjam on moving to the sorts of force levels envisioned in START II and would reduce its operationally deployed strategic nuclear warheads to a level between 1,700 and 2,200 over the next decade, with no treaty required—a level, as would be subsequently disclosed, that had been validated in the new Nuclear Posture Review (NPR). The clear intent of Bush's message, first articulated during the presidential campaign and reflecting similar initiatives his father had taken as president, was to get away from the long, laborious process of negotiating and ratifying elaborate treaties, instead substituting unilateral actions that could lead to quicker, albeit informal and not legally binding, results. Putin responded that the Russians welcomed this development and would try to reply in kind, but as soon became clear, the Russians wanted a formal agreement. Bush acquiesced to the Russian wish, and fast-paced negotiations led to the treaty of Moscow on Strategic Offensive Reductions, SORT, signed in May 2002.

As Richard A. Davis, current director of the strategic negotiations and implementation bureau at the State Department and a knowledgeable veteran of Cold War strategic nuclear negotiations, wrote in July 2002, "The Moscow Treaty is not just a new treaty, but a new kind of treaty. Reflecting mutual trust and cooperation in the new U.S.-Russian strategic relationship, the Moscow Treaty affords a great deal of flexibility to each Party to meet unforeseen future contingencies."[43] It is a short, general treaty and contains no verification provisions, leaving that to START. As President Bush said in his letter transmitting the Moscow treaty to the Senate:

> It is important for there to be sufficient openness so that the United States and Russia can each be confident that the other is fulfilling its reductions commitment. The Parties will use the comprehensive verification regime of the Treaty on the Reduction and Limitation of Strategic Offensive Arms (the "START Treaty") to provide the foundation for confidence, transparency, and predictability in further strategic offensive reductions[44]

SORT expires at the end of December 2012, unless extended or replaced by another treaty. Likewise, and with similar provisos, START expires in December 2009. The Bush administration has left to its successors the thorny task of whether to extend the START and SORT treaties, whether to replace them with other formal documents and legal commitments, or whether to let them expire and manage the US-Russian strategic nuclear relationship solely through less formal means.

As for missile defenses, Putin also said at the press conference on November 13, 2001, that the Russian position remained unchanged. Russia wanted to continue a dialogue and consultations. Putin appears to have chosen his words carefully, realizing that major factions in Russia wanted the ABM treaty to remain in force. Sometime in the weeks immediately after the Crawford summit, the Bush White House

apparently concluded that it could move now to terminate the ABM treaty without irreparably undermining Washington's relations with Moscow or Beijing. On December 13, 2001, Bush appeared in the Rose Garden to announce that the United States was giving formal notice to Russia of its intent to exercise the supreme national interest clause and withdraw from the ABM treaty. This withdrawal came six months later, without the dire result of a new arms race that many critics had predicted, at least not in the near term.

The strategic nuclear dimension of the Bush arms control game plan probably would have been put in play even without 9/11, although the politics of managing the transition with Russia and China may not have been as smooth absent the new relationships in the war on terror. What 9/11 indisputably did, however, was advance fighting the proliferation of WMD to the top of America's foreign policy agenda. In the weeks after 9/11, prosecuting the war on terror became America's major national security objective and the lens through which all foreign policies were viewed, and stopping terrorists from acquiring or using WMD became one of the highest (if not the highest) priorities in that war. Where dealing with proliferation once had been one priority among many, it now came to dominate policy.

In September 2002 the Bush White House issued its long delayed, first National Security Strategy white paper. It repeated what had by then become a mantra for the president, that "The gravest danger our Nation faces lies at the crossroads of radicalism and technology. Our enemies have openly declared that they are seeking weapons of mass destruction, and evidence indicates that they are doing so with determination. The United States will not allow these efforts to succeed."[45] The National Security Strategy formalized the doctrine of preemption that President Bush had been discussing for several months.

The strategy also called for a comprehensive strategy to combat WMD that included proactive counterproliferation efforts, strengthened nonproliferation efforts, and effective consequence management to respond to the effects of WMD use. As for the second leg of this strategy, strengthened nonproliferation, the strategy specified that:

> We will enhance diplomacy, arms control, multilateral export controls, and threat reduction assistance that impede states and terrorists seeking WMD, and when necessary, interdict enabling technologies and materials. We will continue to build coalitions to support these efforts, encouraging their increased political and financial support for nonproliferation and threat reduction programs.[46]

These points were reinforced toward the end of the year when the White House released a supporting, more detailed strategy document for combating WMD.[47]

At roughly the same time that the national security white papers were being published, a worldwide public debate had begun on regime change in Iraq. I will not in this paper attempt to discuss the bitter and polarizing events of the several months in the late autumn of 2002 and the winter of 2002-2003, culminating in the invasion of Iraq in March 2003. The consequences of that action and the ongoing failure to find the suspected major Iraqi WMD programs and stockpiles are a foreign policy legacy that haunts America's relations with almost every nation in the world, contributes to a more widespread and emotional questioning of the legitimacy of American power, almost led to the collapse of the Blair government, is part of the current American presidential contest, and has launched new investigations of the intelligence communities. Regardless of where one stands on the wisdom of invading Iraq (and there are strong arguments on all sides of the issue), the aftermath is stark. The shock waves from the recent Iraqi war will be felt for years to come.

Iraq and earlier campaign rhetoric notwithstanding, the Bush administration appears to have a strong interest not simply in enforcing compliance with the international treaty-based regimes governing WMD but also in strengthening their norms. Prior to start of Operation Iraqi Freedom, senior American spokesmen were suggesting that the use of chemical or biological weapons was not only a treaty violation but now should be regarded as a war crime. And the Bush administration (as will be discussed later in this paper) is attempting to revise the basic contract inherent in the NPT.

What the Bush administration appears to be seeking is a new and lasting global consensus on clarifying, strengthening, regulating, and enforcing nonproliferation across the board. Initiatives proposed by the Bush administration in recent months include a blend of national and international efforts: e.g.

- the Proliferation Security Initiative to interdict black market trade in WMD and supporting technologies;[48]
- a UN Security Council resolution requiring states to criminalize proliferation, enact strict export controls, and secure sensitive materials within their borders;[49]
- further expansion of the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction;[50]
- creation of a new global approach to permitted nuclear fuel cycle activities for civilian reactors;[51]
- reform of IAEA practices.[52]

The President explained the logic behind his broad strategy, in a major policy speech on WMD at National Defense University on February 11, 2004, stating *inter alia*:

> In the past, enemies of America required massed armies, and great navies, powerful air forces to put our nation, our people, our friends and allies at risk. In the Cold War, Americans lived under the threat of weapons of mass destruction, but believed that deterrents made those weapons a last resort.

> What has changed in the 21st century is that, in the hands of terrorists, weapons of mass destruction would be a first resort—the preferred means to further their ideology of suicide and random murder. These terrible weapons are becoming easier to acquire, build, hide, and transport. Armed with a single vial of a biological agent or a single nuclear weapon, small groups of fanatics, or failing states, could gain the power to threaten great nations, threaten the world peace.
>
> America, and the entire civilized world, will face this threat for decades to come. We must confront the danger with open eyes, and unbending purpose. I have made clear to all the policy of this nation: America will not permit terrorists and dangerous regimes to threaten us with the world's most deadly weapons…. America has consistently brought these threats to the attention of international organizations. We're using every means of diplomacy to answer them. As for my part, I will continue to speak clearly on these threats. I will continue to call upon the world to confront those dangers, and to end them.[53]

Whether the United States can create and sustain the international support for carrying through on the Bush administration's broad vision is unclear, given the deep apprehensions worldwide about the exercise of American power, the bitter feelings remaining after the bruising Iraq experience, and the long-simmering question of whether the United States can demand even stricter norms for non-nuclear-weapons states party to the NPT, while seeking to preserve maximum flexibility for American nuclear activities.

In the near term, the diplomatic tactics for seeking more comprehensive and effective regulation of WMD depends in part on the fortunes of George W. Bush in this year's presidential election. The United States is approaching a national election where, for the first time in recent memory, foreign policy is playing a major role. Democratic candidate Senator John Kerry of Massachusetts already has begun deploying a broad critique of the Bush arms control agenda. Kerry is critical of Bush's position on the CTBT, on the lack of verification in

SORT, on the Bush administration's decisions to pursue research on a new generation of nuclear weapons (which Kerry argues would set back American long-standing efforts to lead an international nonproliferation regime), on the Bush administration's handling of the North Korean nuclear situation, on early deployment of a national missile defense system (although Kerry favors developing "an effective defense"), and on the Bush administration's abrogation of the ABM treaty. Kerry is reported to be committed to revitalizing the arms control process and to creating a multilateral framework implementing a global consensus that WMD under the control of terrorists represents the most serious threat to international security today.[54]

Also as this paper is being written, American Non-Governmental Organizations (NGOs) are mobilizing to develop a coordinated strategy for attempting to "revitalize" arms control.[55]

THE AMERICAN PRACTICE OF ARMS CONTROL: THE NEXT TWENTY YEARS

The role that arms control will play in American foreign policy between now and 2024 will arise from a complex interaction among personalities, circumstances, and objectives, going well beyond the election of 2004. Between January 2005 and December 2024, the United States will have another four presidential and another ten congressional elections. This offers wide latitude for changes in the attitudes, agendas, and priorities of America's elected officials during the timelines of this study. I will not speculate in this paper about whether American foreign diplomacy will become more multilateral and less unilateral or how priorities will be assigned for using counterproliferation as opposed to nonproliferation tools. That will be decided, in the round, through the ballot box.

As for the circumstances over the next twenty years, America's elected officials will encounter a number geopolitical fault lines. It is

unlikely that long-standing problems like Kashmir, the Gaza Strip and the West Bank, the divided Korean peninsula, and Taiwan will be resolved in the near term. Global terrorism and the proliferation of WMD and advanced technologies to problem states and to non-state terrorists—today's American priorities—are likely to still be major concerns, and if the long history of Anglo-British normalization of relations from the Peace of Paris (1783) to their close relationship in WW II (1939-1945) is any guide, the transition in fully normalizing America's relations with its main adversary during the Cold War, Russia, still will be underway. One could cite the other trends in today's world—the rise of China; globalization; fundamentalist Islam and the "clash of civilizations"; state failure and civil wars; growing populations and diminishing resources; demographics around the world; the continuing revolutions in information and bio technology and emerging revolution in nanotechnology; and the like—trends that will provide the context for the evolution of American policy over the next twenty years. And one cannot rule out so-called "wild cards"—epic events that change the course of history, like another use of a nuclear weapon in combat, mass murder from use of biological weapons, or some new, unanticipated use of more commonplace activities to effect mass destruction, as experienced on 9/11

Whatever the personalities or circumstances, it is difficult to envision a future out through 2024 where the United States is not giving an unprecedented level of attention and devoting significant resources to trying to keep WMD out of the hands of terrorists. This is a national objective, not a politically partisan one. The efforts to enlist global support to further criminalize, better regulate, and more effectively control trade in WMD and its enabling technologies will continue, and will resonate with all of the conflicting camps in the

American foreign policy tradition. This does not make for the sharp drama of Cold War arms control. Where arms control during the East-West nuclear confrontation was high Wagnerian opera with rising crescendos and epic stakes, the arms control of the next twenty years is more likely to be a Bach fugue, delicate, infinitely complex, intricate, allowing for many variations on a few central themes.

It also is difficult envisioning a future where the United States does not tend to its strategic nuclear relations with other nuclear weapons states, and especially with Russia and China to avoid returning to Apocalyptic dangers. That will remain part of the American agenda, as will efforts to improve the monitoring of arms control activities. Monitoring is not unique to arms control and, indeed, as arms control takes on more of a regulatory flavor, monitoring should become all the more routine. Social regulation schemes almost always require some kind of inspections and transparency. Whether it is public health inspectors periodically visiting a restaurant's kitchen, federal regulators inspecting the safety of a nuclear power plant, or examiners auditing corporate financial records, monitoring is central to enforcement of regulatory regimes. It is through such prosaic activities that modern democracies work.

Modern arms control diplomacy also works in cycles. Meetings of the Conference of Disarmament may follow much the same schedule over the next twenty years, as might those of the United Nations First Committee, the IAEA Board of Governors, and the various export control regimes already established. There will likely be changes, of course, in how these institutions operate and new institutional arrangements may appear, but at least for the moment, there is no radical change on the horizon of the sort, for instance, that came with creating the United Nations and its supporting bodies.

Some major arms control dates are set on the calendar. The next review conference for the NPT convenes in 2005 and there will be three other review conferences (2010, 2015, and 2020) in the timeframe considering in this paper. And as discussed earlier, the START treaty expires in December 2009 unless the sides agree to extend it, while the SORT treaty expires at the end of December 2012.

As Avis Bohlen pointed out in the article cited earlier in this paper, arms control increasingly deals with norms. The area I wish to highlight in the remainder of this paper involves the international norms governing WMD.

From the 18th century onward, American statesmen have sought to influence the evolution of international law and the rules and norms governing international relations. At a basic level, transcending political parties and cutting across all foreign policy orientations, there has been a fundamental acceptance by centrists in America that Jean Jacques Rousseau was correct, that might does not make right and that even the strongest are never strong enough to prevail unless they translate might into right and obedience into duty.[56] Americans also are, for the most part, uncomfortable with double standards. America's revolt against its colonial master was triggered largely by a conviction that American colonials were being treated as second-class British citizens and that this was unlikely to change. One of the most influential modern American political philosophers, the late John Rawls, built his career around a careful explication of the theme of justice as fairness.[57] The social critique of double standards, wherever they are found in society, begins with their inherent unfairness. Although in extreme circumstances double standards may be expedient and even necessary to attain the general good of society, they should be

softened and offset wherever possible and seldom should be part of the permanent social fabric.

Legitimacy matters. Fairness matters. These are part of the American civic ethic, rooted deeply in American traditions. And they have found expression in American foreign policy over the years. Whether it was the rights of neutrals at sea, the laws of war, or the principles grounded in the League of Nations Covenant and, subsequently, in the United Nations Charter, the United States has played a leading role in the evolution of international norms expressing what is permitted and what is beyond the pale, what is legitimate and what is fair.

Norms are no more static at the international level than they are within societies. They evolve and change, through twists and turns. Disagreement is inevitable on what their content should be at a particular time. The contemporary question whether there is a right under the United Nations Charter of humanitarian intervention or anticipatory self-defense not sanctioned by the Security Council, for instance, illustrates the tensions involved in the changing *ad bellum* laws of armed conflict.

The cornerstone treaties for biological and chemical weapons—the BWC and CWC, respectively—today codify fairly sharp norms. The development, testing, producing, stockpiling, or use of biological or chemical weapons is prohibited. These treaties are so widely accepted and derive from an international process stretching over so many years that some international legal scholars are ready to argue they have become part of customary international law.[58] There remain questions of interpretation, of course, since research needed to defend oneself against chemical or biological attack is permitted, which entails the need to understand how offensive agents work and what offensive

agents are possible. And enforcing the BWC and CWC is extremely difficult, given the ease with which legal processes in permitted facilities (e.g., fertilizer production facilities, biomedical laboratories) may quickly be turned to prohibited uses. But the norms themselves are sharp and arguably legitimate. To the extent they are viewed as unfair, it is by those who contend that absent similarly sharp and all-inclusive norms for nuclear activities, non-nuclear states should be allowed to offset nuclear threats with chemical or biological means.

Nuclear norms are much more ambiguous. Allowing peaceful nuclear activities to proceed without fissile materials being diverted secretly to military uses is a problem recognized since the Baruch plan. Much of the fabric of the nuclear nonproliferation regime has been developed with this challenge in mind. This regime is anchored by the NPT, one of the most widely accepted international conventions which some experts believe to be "at the very center of the existing system of international security." It is," some argue, "the basis on which all subsequent disarmament regimes are built and it is the fundamental document of international security after the United Nations Charter."[59]

Senior Bush administration officials have not gone quite this far in praising the NPT but leave no doubt that the US Government continues to accept the NPT as a keystone treaty. For instance, John S. Wolf, assistant secretary of state for nonproliferation, has testified to the Senate that "The Nuclear Nonproliferation Treaty (NPT) remains the cornerstone of U.S. nuclear nonproliferation policies."[60] And Secretary of Energy Spencer Abraham, appearing jointly at the United Nations with his Russian counterpart, at a time when the international community was celebrating the 50th anniversary of Dwight D. Eisenhower's "Atoms for Peace" speech to the United Nations, said unequivocally, "we believe in the Non-Proliferation Treaty (NPT)."[61]

What are the norms deriving from the NPT? Leonard Weiss, a private consultant who, during his tenure as chief of staff for the US Senate Committee on Governmental Affairs from 1977 to 1999, helped draft major United States legislation on nuclear nonproliferation, argues:

> The Nuclear Nonproliferation Treaty (NPT) establishes a balance of obligations undertaken respectively by nuclear-weapon states and non-nuclear-weapon states to ensure nonproliferation and move toward a nuclear weapons-free world. Often referred to as containing the Grand Bargain, the pact calls on the nuclear-weapon states to initiate negotiations to eliminate their arsenals (Article VI) and not to assist efforts by non-nuclear-weapons states to acquire nuclear weapons (Article I). At the same time, the NPT requires the non-nuclear-weapon states to forgo the acquisition of nuclear weapons (Article II) and to place all of their nuclear facilities under international safeguards (Article III).[62]

One could add to this that the Grand Bargain includes the right of non-nuclear-weapon states to conduct safeguarded research and to use nuclear energy under safeguards, both for peaceful purposes, without discrimination (Article IV).

The Bush administration now is proposing changing part of this Grand Bargain. In his speech at NDU in February 2004, President Bush said *inter alia:*

> The Nuclear Non-Proliferation Treaty was designed more than 30 years ago to prevent the spread of nuclear weapons beyond those states which already possessed them. Under this treaty, nuclear states agreed to help non-nuclear states develop peaceful atomic energy if they renounced the pursuit of nuclear weapons. But the treaty has a loophole which has been exploited by nations such as North Korea and Iran. These regimes are allowed to produce nuclear material that could be used to build bombs under the cover of civilian nuclear programs.
>
> So today, as a fourth step, I propose a way to close the loophole. The world must create a safe, orderly system to field civilian nuclear plants without adding to the danger of

> weapons proliferation. The world's leading nuclear exporters should ensure that states have reliable access at reasonable cost to fuel for civilian reactors, so long as those states renounce enrichment and reprocessing. Enrichment and reprocessing are not necessary for nations seeking to harness nuclear energy for peaceful purposes.
>
> The 40 nations of the Nuclear Suppliers Group should refuse to sell enrichment and reprocessing equipment and technologies to any state that does not already possess full-scale, functioning enrichment and reprocessing plants. This step will prevent new states from developing the means to produce fissile material for nuclear bombs. Proliferators must not be allowed to cynically manipulate the NPT to acquire the material and infrastructure necessary for manufacturing illegal weapons.[63]

Viewed in isolation, this initiative—coming, as it does, after the experience of the past two years with North Korea, Iran, Libya, Pakistan, and the revelations about the black market in nuclear weapons associated with A. Q. Khan—is not surprising. IAEA Director-General Mohamed ElBaradei also has called for change, proposing that in the future, all enrichment and reprocessing facilities used for civilian purposes should be multilaterally owned and controlled, and that each country involved should monitor what its partner countries are doing.[64] Similar proposals were made last year in the major study sponsored by the Center for Global Security Research at Lawrence Livermore National Laboratory, organized around the theme of "Atoms for Peace after 50 Years"[65] and at the annual meeting of the American Nuclear Society in New Orleans in November 2003.

Non-nuclear weapons states are reacting with mixed feelings to the call for tightening the regime and its norms as they apply to non-nuclear weapons states, at the same time that they see the Bush administration backing away from or ignoring many of the commitments the United States has made at the NPT in 1995 and in 2000 regarding what the United States would do to meet its article VI

obligations—a concern shared in the United States by Bush's critics.[66] I will not attempt in this paper to explore the highly nuanced details of the article VI debate, other than to observe that at a time when the United States is seeking ever greater flexibility for how it manages is own nuclear weapons activities, it also is seeking to tighten the norms governing trade in nuclear materials.

In the years ahead, I suspect that both sides of the bargain must be readdressed if American nonproliferation objectives are to be attained. For the United States, this may require a willingness to adjust policies in some or all of the following areas:

- ***Nuclear testing.*** Since the Truman administration, the United States has entertained arms control proposals that would include an end to nuclear testing. The call for an end to nuclear testing also has been one of the longest standing and most vocal themes of a number of non-nuclear weapon states in the NPT. The Limited Test Ban Treaty (LTBT) that restricted nuclear explosive tests to underground testing was signed in 1963, and the Threshold Test Ban Treaty (TTBT) that restricted underground tests to a yield of 150 kilotons, in 1974. The TTBT and its sister agreement, the 1976 Peaceful Nuclear Explosions Treaty (PNET) entered into force in December 1990 after completion of verification protocols in the 1980s. The long-deferred talks on a CTBT began in Geneva in January 1994. When the CTBT was opened for signature at the General Assembly in September 1996, the United States was the first to sign the treaty. President Clinton submitted the CTBT to the Senate one year later where it was placed on a slow track. After remaining in committee for over two years, on October 13, 1999, the Republican-controlled Senate brought the treaty to a vote where the resolution of ratification received only 48 yes votes, far short of the 67 votes needed to approve the treaty. Even if the United States had ratified the treaty, it could not enter into force until all 44 nations with nuclear reactor capabilities ratified, including India, Pakistan, and North Korea. President Clinton appointed the former chairman of the JCS, retired Army General John Shalikashvili, as special assistant to the president and secretary of state with the task of working with legislators to build support for eventual Senate consent to ratification. This effort

ended with the election of George W. Bush. The Bush administration has adopted the policy that it will not seek a new Senate vote nor will it attempt to broker deals to attach conditions and understandings to the treaty in order to get Senate approval. At the same time, the administration has indicated intent to observe a voluntary nuclear testing moratorium. Whether the CTBT will be revisited in Washington between now and 2024 is unclear, as is the question of whether the United States will at some point resume nuclear testing. Even if a president did wish to resume testing and the Congress (which could deny appropriations) agreed, the United States probably would continue to remain party to the LTBT (underground tests only) and to the TTBT (150-kiloton threshold).[67]

- ***Numbers of weapons in the nuclear stockpile.*** None of the bilateral strategic nuclear arms treaties have dealt directly with the total number of weapons in the nuclear stockpile: START associates strategic nuclear weapons with delivery systems (with limits on numbers of delivery systems); SORT deals with "operationally deployed" weapons, leaving open the status of weapons that are not operationally deployed. Both START and SORT are silent on non-strategic nuclear weapons, and as discussed earlier, absent positive action, both expire by the end of 2012. This becomes an issue because the United States traditionally has used, as partial evidence of its compliance with Article VI, the progressive reductions associated with START and with SORT. Notwithstanding its distaste for such formal treaties, the Bush administration continues to use these arguments in the NPT. The fact sheet issued by the US Mission in Geneva in May 2003, outlining points the US Government would put on the table to demonstrate good-faith efforts to support Article VI, begins by citing reductions under START and SORT.[68]

- ***"New" nuclear weapons.*** There is no accepted definition of what constitutes a "new" nuclear weapon (indeed, there is no common definition of a "nuclear weapon"). The United States has told the NPT that it is reducing reliance on nuclear weapons. Last year the Bush administration was able to reverse the so-called PLWYD congressional restriction that limited research or development on low-yield nuclear weapons.[69] The final vote in conference was split along party lines and even Republicans in the House like Curt Weldon (R-Pa.) and David Hobson (R-Oh.) have criticized the outcome.

This is a political issue largely because it appears to violate commitments the United States earlier made at the NPT. On a general level, some argue that modernization is inconsistent with a policy of reducing reliance on nuclear weapons. Others point to former US statements. In the paper that the American secretary of state placed in the record at the NPT review conference in 2000 as evidence that the United States was meetings its commitment to Article VI, for instance, a central passage read: "Conducting no nuclear test explosions will effectively constrain the development and qualitative improvement of nuclear weapons and end the development of advanced new types of nuclear weapons."[70]

- ***"Negative security assurances."*** In the arms control lexicon, a negative security assurance is a commitment by a nuclear power that it will not use or threaten to use nuclear weapons against those to whom the negative security assurance is given. In essence, this becomes a no-first-use pledge. The United States has been reluctant to give legally binding negative security assurances except under very limited conditions. During the Cold War, dating back to the time of the policy debates surrounding NSC 68, the United States refused to adopt a no-first-use policy, largely for purposes of supporting its defense of NATO. After the Cold War, the issue shifted to the question of deterring or responding to massive attacks by biological or chemical weapons. When the NPT was being negotiated, Washington debated whether it would have to formalize negative security assurances for non-nuclear-weapon states party to NPT. This turned out not to be necessary, although at roughly the same time, Washington indicated willingness to enter into such a formal commitment for a regional nuclear-weapon-free-zone arrangement in Latin America, something it later has repeated for other regions. In 1978, Secretary of State Cyrus Vance, at the UN Special Session on Disarmament, extended to non-nuclear weapons states party to the NPT a political commitment not to use (or threaten to use) nuclear weapons against them except if they were involved in aggression in alliance with a nuclear-weapon state (a formula devised by the Nixon administration when the United States first formalized its commitment for a nuclear-weapon-free-zone treaty). This was repeated on subsequent occasions, including at the 1995 NPT review and extension conference, at which time it was associated with a Security Council resolution. A number of non-nuclear-weapon states

> still call on the United States and other nuclear weapon states to make their commitments formal through the international gold standard, a treaty banning first use of nuclear weapons.[71]

The point in highlighting the above issues is to suggest just how fuzzy the norms about what a nuclear-weapon state should do to comply with Article VI are, at the same time that the United States is seeking to sharpen and extend norms in other parts of the NPT that tighten the nonproliferation bargain for non-nuclear weapon states. This is a delicate area for policy initiatives, not only because of the strategic issues involved for American defense policy, but also because, in all cases, the ramifications go beyond the United States to the other nuclear-weapon states covered by the P-5, and to the continuing question of how to bring Israel, India, Pakistan, and (perhaps) North Korea under the norms.

CONCLUSIONS

My conclusions are simple. Arms control is not dead in America but is evolving. The traditions of arms control lie deep in American diplomatic history and cut across all foreign policy orientations that have shaped the course of American diplomacy. The continuing need for arms control is clear, especially for dealing with proliferation. Whether the United States can achieve its nonproliferation goals while maintaining today's flexibility for how it manages its nuclear weapons affairs is problematic. Nuclear policy and diplomacy is a delicate business and clarifying nuclear norms is a daunting task. But, as the history of American arms control reveals, the nation has risen to great challenges before.

NOTES

[1] See Michael O. Wheeler, "NATO Nuclear Strategy, 1949-1990," in Gustav Schmidt, ed., *A History of NATO—The First Fifty Years,* vol. 3 (New York: Palgrave, 2001), 121-139.

[2] Lawrence Freedman, *The Revolution in Strategic Affairs*, Adelphi Paper 318 (London: International Institute for Strategic Studies, 1998), 20.

[3] Avis Bohlen, "The Rise and Fall of Arms Control," *Survival* 45 (Autumn 2003): 31-32.

[4] Rose Gottemoeller, "Arms Control in a New Era," *The Washington Quarterly* 25 (Spring 2002): 45-58.

[5] Brad Roberts, "The Road Ahead for Arms Control," *The Washington Quarterly* 23 (Spring 2000): 220.

[6] Lewis A. Dunn and Victor Alessi, "Arms Control by Other Means," *Survival* 42 (Winter 2000-01): 129.

[7] I first became interested in arms control when, as a graduate student at Georgetown in 1966, I took the arms control and international law courses offered by the late William O'Brien. I first found myself involved in arms control as part of my duties as a special assistant to the Chief of Staff of the Air Force (1977-78), as a special assistant to the Deputy Secretary of State (1979), as special assistant to the Chairman of the Joint Chiefs of Staff (1979-1982), as Executive Secretary (then called Staff Secretary) of the National Security Council (1982-83), as a senior research fellow at National Defense University (1985-1986), as chief of the Nuclear Negotiations Division on the Joint Staff (1986-89), and as the arms control advisor to the Chairman of the Joint Chiefs of Staff (1989-90). After retiring from the Air Force in January 1991, I was asked to join various advisory committees in the Defense and Energy Departments where arms control was one of the topics kept under review.

[8] The section in the spring 2000 issue of *The Washington Quarterly* entitled "Is Arms Control Dead" included articles by Harold Brown, James Schlesinger, Thomas Graham, John Steinbruner, Stephen Cambone, and Brad Roberts.

[9] Although President Bush has expressed his policy in many places, perhaps the most relevant sources for purposes of this paper are the National Security Strategy (September 2002), the National Strategy to Combat Weapons of Mass Destruction (December 2002), and the President's remarks on weapons of mass destruction proliferation at the National Defense University (February 2004). The Nuclear Posture Review (NPR) of 2001 has not been released in declassified form by the Bush administration. Although administration officials discussed aspects

of this review in a Pentagon press conference and in open testimony to congress, the public understanding of the NPR has been shaped largely by what purport to be leaked versions of the classified report.

[10] The US State Department *Glossary of Terms (Arms Control and Disarmament)* can be found at http://usinfo.state.gov/topical/pol/arms/stories/pt11.htm#secA, accessed February 10, 2004.

[11] Walter Russell Mead, *Special Providence: American Foreign Policy and How It Changed the World,* A Century Foundation Book (New York: Alfred A. Knopf, 2001), xv.

[12] The papers from the November 2003 inaugural workshop on the NIC 2020 Project and the December 2003 Commonwealth Conference can be found at the NIC website, http://www.cia.gov/nic, accessed December 24, 2003.

[13] Eugene V. Rostow, *Toward Managed Peace: The National Security Interests of the United States, 1759 to Present* (New Haven, Connecticut: Yale University Press, 1993), 4.

[14] Henry Kissinger, *Diplomacy* (New York: Simon & Schuster, 1994), 17-18.

[15] Ibid., 18.

[16] Henry Kissinger, *Does America Need a Foreign Policy? Toward a Diplomacy for the 21st Century* (New York: Simon & Schuster, 2001), 18-19.

[17] Mead, *Special Providence,* xvii.

[18] Walter A. McDougall, *Promised Land, Crusader State: The American Encounter with the World Since 1776* (Boston: Houghton Mifflin Company, 1997), 3-5.

[19] For a broader context, see Michael O. Wheeler, "A History of Arms Control," in Jeffrey A. Larsen, ed., *Arms Control: Cooperative Security in a Changing Environment* (Boulder, Colorado: Lynne Rienner, 2002), 19-39.

[20] Charles Francis Adams, ed., *Memoirs of John Quincy Adams,* vol. III (Philadelphia, Pennsylvania: J. B. Lippincott, 1878), 287,

[21] Samuel Flagg Bemis, *John Quincy Adams and the Foundations of American Foreign Policy* (New York: Alfred A. Knopf, 1949), 231.

[22] Burnus M. Carnahan, "Lincoln, Lieber and the Laws of War: The Origins and Limits of the Principle of Military Necessity," *American Journal of International Law*, 92 (April 1998): 213.

[23] Francis Anthony Boyle, *Foundations of World Order* (Durham, North Carolina: Duke University Press, 1999), p. 57. Also see Adams Roberts and Richard Guelff, *Documents on the Laws of War,* Third Edition (Oxford: Oxford University Press, 2000), 12-13.

[24] Mahan's highly influential book, *The Influence of Sea Power Upon History, 1660-1783*, had been published nine years earlier, in 1890.

[25] "Instructions to the American Delegates to the Hague Conference of 1899," in James Brown Scott, ed., *Instructions to the American Delegates to the Hague Peace Conferences and Their Official Reports* (New York: Oxford University Press, 1916), 7.

[26] "Report of Captain Crozier to the American Delegation to the First Hague Conference Regarding the Work of the First Committee of the Conference and Its Subcommittee," Ibid., 30-31.

[27] Detlev F. Vagts, "The Hague Conventions and Arms Control," *American Journal of International Law,* 94 (January 2000): 31.

[28] Robert Gordon Kaufman, *Arms Control During the Pre-Nuclear Era: The United States and Naval Limitation Between the Two World Wars* (New York: Columbia University Press, 1990), 194-199.

[29] Townsend Hoopes and Douglas Brinkley, *FDR and the Creation of the U.N.* (New Haven, Connecticut: Yale University Press, 1997), ix.

[30] Ibid., 39.

[31] Robert Dallek, *Franklin D. Roosevelt and American Foreign Policy, 1932-1945* (New York: Oxford University Press, 1979), 485-528.

[32] US State Department, *The International Control of Atomic Energy: Growth of a Policy* (Washington DC: US Government Printing Office, 1947), 11.

[33] This discussion of Cold War nuclear arms control is highly abbreviated, in part because it is an area well known to most modern scholars. There is a wealth of literature covering this era. Two especially good overviews are George Bunn, *Arms Control by Committee: Managing Negotiations with the Russians* (Stanford, California: Stanford University Press, 1992), and Thomas Graham, Jr., *Disarmament Sketches: Three Decades of Arms Control and International Law* (Seattle, Washington: University of Washington Press, 2002. For the treaties themselves with accompanying context and commentary, the reader is invited to consult Thomas Graham, Jr., and Damien J. LaVera, *Cornerstones of Security: Arms Control Treaties in the Nuclear Era* (Seattle, Washington: University of Washington Press, 2003).

[34] Raymond Aron, *On War,* translated from the French by Terence Kilmartin (published in English in 1958 by Martin Secker & Warburg Ltd., reprinted by the University Press of America, 1985), 34.

[35] NSC 112, "Formulation of a United States Position With Respect to the Regulation, Limitation and Balanced Reduction of Armed Forces and Armaments," *Foreign Relations of the United States, 1951*, vol. I (Washington DC: US Government Printing Office, 1979), 477-497/

[36] One of the best accounts of Eisenhower's views on arms control can be found in Robert R. Bowie and Richard H. Immerman, *Waging Peace: How Eisenhower Shaped an Enduring Cold War Strategy* (New York: Oxford University Press, 1998). See also Michael O. Wheeler, "The Path to Atoms for Peace," a paper presented on a panel at the 2003 winter meeting of an international conference on nuclear technology, sponsored by the American Nuclear Society, in New Orleans, Louisiana, November 16-20, 2003. The paper can be found in the transactions of that conference published by the American Nuclear Society.

[37] The Summer Study on Arms Control, developed under the auspices of the American Academy of Arts and Sciences with the financial support of the Twentieth Century Fund, organized in mid-June, 1960, under the general direction of Bernard T. Feld of the Department of Physics, Massachusetts Institute of Technology, was a rich and influential source of ideas on what the proper functions of arms control should be given the realities of the nuclear arms race. Out of this study (which was terminated in January 1961) came a number of publications, including Donald G. Brennan, ed., *Arms Control, Disarmament, and National Security* (New York: George Braziller, 1961), and Thomas C. Schelling and Morton H. Halperin, *Strategy and Arms Control* (New York: The Twentieth Century Fund, 1961). Several key members of the study became officials in or advisors to the new Kennedy administration.

[38] George Bunn, formerly general counsel at ACDA and one of America's leading experts on the NPT, who was personally involved in its negotiation, participated on a panel on the history of the NPT that I chaired at the June 1999 annual conference of the Society for Historians of American Foreign Relations, held that year at Princeton University. Bunn pointed out that the Soviets initially objected not only to the MLF but to any mechanism for West German sharing in NATO's nuclear activities, including any sort of dual-key arrangement or any participation in planning groups like what became the Nuclear Planning Group (NPG). It still is unclear what led the Soviets to fall off their position on dual-key arrangements and on the NPG, neither of which the United States was willing to compromise.

[39] The White House, *A National Security Strategy for a New Century* (Washington, DC: December 1999), 7-11.

[40] Governor George W. Bush, "A Period of Consequences," The Citadel, September 23, 1999, 4, .http://www.georgewbush.com/speeches/defense/citadel.asp, accessed May 31, 2000.

[41] Condoleezza Rice, "Promoting the National Interest," *Foreign Affairs,* 79 (January/February 2000): 48-49.

[42]White House, Press Conference by President Bush and President Vladimir Putin, The East Room, The White House, November 13, 2001. http://www.whitehouse.gov/news/releases/2001/11/pring/20011113.html, accessed January 16, 2002.

[43] Richard A. Davis, "Nuclear Offensive Arms Reductions—Past and Present," *U.S. Foreign Policy Agenda: An Electronic Journal of the Department of State,* vol. 7, *Weapons of Mass Destruction: The New Strategic Framework* (July 2002): 17.

[44] Letter of Transmittal from the President to the Senate of the United States, June 20, 2002. http://www.state.gov/t/ac/trt/18016pf.htm, accessed on March 2, 2004.

[45] The White House, *The National Security Strategy of the United States* (Washington, DC: September 2002), ii.

[46] Ibid., p. 14.

[47] The White House, *National Security Strategy to Combat Weapons of Mass Destruction* (Washington, DC: December 2002).

[48] On May 31, 2003, in a speech in Krakow, Poland, just prior to the G8 summit, President Bush announced the Proliferation Security Initiative (PSI). He called for a web of international agreements and partnerships to allow planes and ships carrying suspect cargo to be searched. This was described as a plan to reinforce, not replace nonproliferation regimes addressing WMD, ballistic missiles, and related technologies. Eleven nations participating in the PSI met in Paris and, on September 4, 2003, released a statement of interdiction principles. See White House Fact Sheet on Proliferation Security, http://www.globalsecurity.org/wmd/library/news/usa/2003/usa-030905-u, accessed March 5, 2004

[49] In his speech to the United Nations General Assembly on September 23, 2003, President Bush announced that he was asking the Security Council to adopt a new anti-proliferation resolution that would call on all members of the UN to criminalize the proliferation of WMD, to enact strict export

controls consistent with international standards, and to secure any and all sensitive materials within their own borders. The text of the speech is available at http://www.whitehouse.gov/news/releases/2003/09/print/20030923-4.html, accessed March 5, 2004.

[50] The Global Partnership Against the Spread of Weapons and Materials of Mass Destruction was launched by the G-8 at the Kananaskis Summit in 2002. The G-8 partners committed to raising up to $20 billion over ten years to help in the objective of preventing terrorists, or those who harbor them, from acquiring or developing nuclear, chemical, radiological, and biological weapons; missiles; and related materials, equipment, and technology. The statement by the G8 leaders on the partnership can be found at http://www.g8.ca/2002Kananaskis/globpart-en.asp, accessed March 5, 2004.

[51] In his speech at NDU on February 11, 2004, President Bush proposed *inter alia* that the 40 members of the Nuclear Suppliers Group should ensure that states which renounce enrichment and reprocessing technologies have reliable access, at reasonable cost, to fuel for their civilian reactors, and that members of the Group should refuse to sell uranium enrichment or reprocessing equipment or technology to any state that does not already possess full-scale, functioning enrichment or reprocessing plants. "Remarks by the President on Weapons of Mass Destruction Proliferation," Fort Lesley J. McNair, National Defense University, Washington, DC, February 11, 2004, 5. http://www.whitehouse.gov/news/releases/2004/02/print/20040211-4.html, accessed on February 15, 2004

[52]The Bush administration has urged all states to sign the IAEA Additional Protocol; proposed that the IAEA Board of Governors should create a special committee on safeguards and verification to improve the organization's ability to monitor and enforce compliance with nuclear nonproliferation obligations; and asked that no state under investigation for proliferation violations should be allowed to serve or continue serving on the IAEA Board of Governors or on the new special committee. See the White House Fact Sheet on Strengthening International Efforts Against WMD Proliferation, February 11, 2004, http://www.whitehouse.gov/news/releases/2004/02/print/20040211-5.html, accessed March 5, 2004.

[53]Presidents Remarks at NDU, February 11, 2004, 1-2.

[54] Senator Kerry's views on arms control and nonproliferation can be found in a number of places including the special section on Election 2004 in *Arms Control Today* 34 (January/February 2004): 26, and in the foreign

policy section of the official Kerry campaign website, http://www.johnkerry.com.

[55] David Ruppe, "U.S. NGOs Coordinate to Revitalize Arms Control Efforts," National Journal Group, *Global Security Newswire,* December 1, 2003, hppt://www.nti.org/d_newswire, issues/print.asp?story_id=1D6BD20, accessed on December 2, 2003, 1.

[56] Jean-Jacques Rousseau lived from 1712 to 1778 and his writings were part of the European intellectual tradition that influenced America's founding statesmen. Rousseau's famous, oft-quoted passage that is paraphrased in this paper comes from *The Social Contract*, a fragment of a much more ambitious work on political institutions which he began to write in 1743 but never finished.

[57] John Rawls, *A Theory of Justice* (Cambridge, Massachusetts: Harvard University Press, 1971).

[58] Thomas Graham, Jr., "Biological Weapons and International Law," *Science* 295 (20 March 2002): 2325.

[59] Graham, *Disarmament Sketches,* 327.

[60] US Department of State International Information Programs, Washington File, "Wolf Says U.S. Determined to Push Back Nuclear Proliferation (Testimony before Senate Foreign Relations Committee)," 20 March 2003, http://usinfo.state.gov/cgi-bin/washfile...wl&t=/products/washfile/newsitem.shtml, accessed March 21, 2003.

[61] Arms Control Statements from the US Department of State, an e-mail service to subscribers, November 6, 2003.

[62] Leonard Weiss, "Nuclear-Weapon States and the Grand Bargain," *Arms Control Today,* 33 (December 2003): 21.

[63] President Bush, Remarks on Weapons of Mass Destruction, February 11, 2004, 5-6.

[64] Mohamed ElBaradei, "Towards a Safer World," *The Economist* (October 18, 2003), 47-48.

[65] Center for Global Security Research, *Atoms for Peace after 50 Years: The New Challenges and Opportunities* (Livermore, California: Lawrence Livermore National Laboratory, December 2003).

[66] Senators Carl Levin (D-Mich.) and Jack Reed (D-R.I.) argue that the Bush arms control agenda taken in conjunction with Bush's nuclear weapons policies are undermining American leadership in nonproliferation. "Toward a More Responsible Nuclear Nonproliferation

Strategy," *Arms Control Today* 34 (January/February 2004): 9-14. Their article includes a range of criticisms made of President Bush's policies by other Democrats and by some congressional Republicans.

[67] For discussions pro and con on the nuclear testing debate in the United States, see, respectively, Jack Mendelsohn, ed., *White Paper on the Comprehensive Nuclear Test Ban Treaty* (Washington, DC: Lawyers Alliance for World Security, Fall 2000), and Kathleen C. Bailey, *The Comprehensive Test Ban Treaty: An Update on the Debate* (Washington, DC: National Institute for Public Policy, March 2001).

[68] Fact Sheet: U.S. Actions and Policies in Support of Its NPT Article VI Obligations Related to Nuclear Disarmament, http://usinfo.state.gov/cgi-bin/washfile....ppo&t=/products/washfile/newsitem.shtml, accessed May 8, 2003.

[69] In 1993, Representatives John Spratt (D-SC) and Elizabeth Furse (D-Ore.) cosponsored an amendment that became law in 1994, banning the American national nuclear laboratories from conducting research and development that could lead to the production of low-yield nuclear weapons, the so-called PLYWD restriction. That restriction was repealed on November 24, 2003, when President Bush signed the National Defense Authorization Act of 2004. The new act authorized research and development up to the point of engineering development, but required that anything beyond this point required new congressional authorization.

[70] *The United States of America Meeting Its Commitment to Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons* (April 2000), p. 5. http://usinfo.state.gov/topical/pol/arms/stories/0425art6.htm, accessed May 19, 2003.

[71] For a more detailed discussion of this continuing issue, see Michael O. Wheeler, *Positive and Negative Security Assurances,* Project on Rethinking Arms Control (PRAC) Paper No. 9 (College Park, Maryland: Center for International and Security Studies at Maryland, School of Public Affairs, University of Maryland, February 1994). See also the collection of paper by George Bunn, Virginia I. Foran, Harald Müller, George Quester, Victor Utgoff, and Michael O. Wheeler, circulated by the Carnegie Endowment for International Peace, Security Assurances Study, at the 1995 NPT review and extension conference under the title, *Security Assurances: Implications for the NPT and Beyond*

A TALE OF TWO COUNTRIES: RUSSIA, NORTH KOREA, AND THE PRESENT AND FUTURE OF ARMS CONTROL, NONPROLIFERATION, AND COUNTERPROLIFERATION IN UNITED STATES POLICY

James M. Smith

INTRODUCTION

Much of the discussion of the past few years has forecast the end of arms control. That discussion focuses on both the changed nature of the strategic environment in the wake of the Cold War—with the changed context of United States-Russian relations from conflict to general cooperation—and the almost total absence of the essential preconditions for cooperative approaches to national security in the key strategic situations that challenge the United States today. But "arms control" in its broader, literal sense, implying the entire set of efforts to control dangerous weapons, deserves another look and a new, more inclusive framework. The requirement to address weapons and their spread, to control and limit their potential destruction, is ever growing in salience today and into the future, and that salience applies well beyond the United States approach to Russia. It involves other states, international organizations of several varieties, failing and failed states and their consequences, and increasingly, non-state entities of many forms. Arms control, in new as well as in altered focus and form, is very much alive today and into the future.

This paper seeks to explain and analyze what has become a shifting, melding United States policy approach to more traditionally distinct forms of diplomatic-centric arms control and nonproliferation with the addition of military-centric counterproliferation constructs and postures. It briefly develops a process view of "arms control" (as the umbrella under which all efforts to manage military force and arms

reside) from its pre-nuclear roots and across its nuclear focus during the Cold War to today. It presents the Strategic Offensive Reductions Treaty (SORT, or Moscow Treaty 2003) and the United States-Russia relationship as representative of the continuing end game of arms control as it existed during the Cold War, characterizing that context, construct, practice, and dynamics as the traditional case and departure point for today's US policy. It suggests that arms control is not absent from US policy today, but that it is transitioning into a new phase in the face of a new set of strategic challenges. It posits the North Korea case as representative of a whole new category of proliferation-based strategic challenges and of the emerging policy framework. It then reviews post-Cold War United States policy against that context and projects the threads of continuity and elements of change into the near-term future. Finally, from that process and policy perspective, it suggests an evolving triangular policy construct—incorporating arms control, counterproliferation, and homeland defense imperatives—as a logical lens and perhaps more effective policy approach to address the challenges and promises of the full range of "arms control" efforts today and tomorrow.

EVOLUTION OF THE CONCEPTS

Traditional Disarmament

The classical practice of "disarmament" can be found almost as far back as the beginnings of recorded Western history. Even before the creation of the state system, warring parties imposed post-conflict disarmament on the vanquished. Belligerents also sought to demilitarize possible areas or regions of contact and to restrict the use of new and destructive technologies.[1] With the advent of the state system in Europe, disarmament efforts fell into three categories. One was the continuation of earlier efforts to impose post-conflict

disarmament and to ban the use of horrific weapons. The second was also a continuation of early practice, extending efforts at conflict avoidance by deconflicting colonial forces. A third was the effort to formulate legal standards and norms of just war. These traditional practices formed the foundation for 20th century efforts to impose technological limits both through banning some weapons and limiting others and through geographic limits on arms deployment.

The practices and weapons of World War I—from chemical weapons to naval technologies—brought about a post-war flurry of activity aimed at banning poison gas and limiting numbers of naval combatants. The legacy here was less from the effectiveness of those efforts than from the establishment of an international process of negotiation on weapons issues. So "disarmament" traditionally represented the full range of efforts—cooperative and imposed—to reduce or restrict military weapons and practices. It included both efforts to eliminate arms and efforts to limit arms in numbers or employment. It applied before, across, and after actual conflict, and it applied both to military activities at home and throughout the world. Increasingly, disarmament efforts focused on controlling new technologies and weapons types, and on bounding practices toward behavioral norms and standards. The concept "disarmament" provided a single umbrella under which all of these efforts and means of implementation could reside.

Cold War: Arms Control and Efforts to Block Proliferation

The legacies of World War II and the advent of the Cold War brought revolutionary new technologies and modes of military application, and they also added an ideological context that shaped every aspect of interstate relations. This conceptual and technological complexity led to the development of a new, multifaceted approach and

changed the language of "disarmament." Nuclear weapons were seen by policy makers and influential observers as a reality and fixture of the strategic landscape, and much of what had traditionally resided under the unitary disarmament umbrella became "arms control" and "nonproliferation."[2] The focus fell to bounding the impact of nuclear weapons, primarily, in order to frame and bound a national security problem to close to manageable dimensions.

This perspective was perhaps best captured by Thomas Schelling and Morton Halperin in their seminal 1961 book *Strategy and Arms Control* when they framed the arms control construct as follows:

> We believe that arms control is a promising . . . enlargement of the scope of our military strategy. It rests essentially on the recognition that our military relation with potential enemies is not one of pure conflict and opposition, but involves strong elements of mutual interest in the avoidance of a war that neither side wants, in minimizing the costs and risks of the arms competition, and in curtailing the scope and violence of war in the event it occurs.[3]

"Arms control" in a world of nuclear weapons was, first and foremost, an integral component of overall national security and military strategy. It goals revolved around the employment of diplomacy to enhance the security of the United States. "Arms control" sought to foster and exploit a more cooperative side of the US-Soviet relationship, with significant preconditions and constraints facing any level of agreement here. A complementary set of cooperative efforts on the multilateral front sought to bound the nuclear problem to a small number of players; this was termed "nonproliferation." Beside these efforts, and providing the necessary security guarantees where they could be developed and in the event of cooperative failure, military forces created and deployed a credible defensive and nuclear offensive force, and they pursued a more punitive policy track to be implemented to reverse nonproliferation failures; this track was termed

"counterproliferation." All three tracks sought the same goals of war avoidance, cost containment, and damage and casualty limitation. This set of activities makes up the construct of "arms control" as it was practiced during the Cold War in both multilateral and bilateral settings.

In practice, the stage was set on the multilateral front via nonproliferation efforts that culminated in the completion of the Nuclear Nonproliferation Treaty in 1968. This treaty sought to arrest the number of nuclear states, prevent the spread of military nuclear capability, and eventually to reverse trends and denuclearize the world. It was at once a treaty to "control" and to "disarm," and it represents the linked nature of these artificial categories. This nonproliferation track continued, and is still an active track today, bringing much of the disarmament focus under its banner. One family of agreements here created nuclear weapons free zones in Antarctica, outer space, and the Earth's seabed, as well as in Latin America, the South Pacific, Africa, and now Southeast Asia. Other efforts banned chemical and then biological weapons. Despite this spirit of agreement, and recognizing established Soviet nuclear and chemical battlefield capabilities and use doctrines, United States military forces established operational efforts to enable military operations in the face of such an attack. This series of operational efforts combined with the complementary policy effort to provide stringent export controls, penalties, and disincentives for the spread of these weapons bridged over to the counterproliferation arena.

Also against early gains in the nonproliferation track, arms control took a distinct focus on the United States and Soviet nuclear arsenals and threat. Distrust had to incrementally be overcome, however, with the combination of slowly built trust and confidence reinforced by technical advances that allowed independent verification of

compliance. A series of agreements limiting nuclear weapons testing was made possible by over-the-horizon detection of nuclear explosions, and more significant limits on future force development and deployment were enabled by the fielding of national technical means of independent surveillance. US-Soviet arms control then became a highly technical, formal process revolving around detailed negotiations and technical sessions to build agreements that centered on supposedly unbeatable compliance and independent verification regimens. To advance beyond limiting nuclear capabilities, actual on-scene inspection for verification was eventually needed to allow reductions in nuclear weapons numbers and capabilities. It took until the very end of the Cold War to achieve this level of trust and confidence. With active reductions (and even the elimination of one class of weapons as in the INF Treaty), arms control was again merging conceptually into nonproliferation and disarmament.

ARMS CONTROL AS A PROCESS

One way to more systematically examine this course of Cold War arms control is to view it as a process that today has largely completed two phases and is transitioning into a third: first the effort to bound the nuclear arena for specific bilateral agreements that would limit future advances and manage the course and scope of the arms race; second the set of efforts to reduce strategic inventories and delivery systems to shrink the existing threat and manage the Cold War end game; and third the effort to stem and reverse active proliferation of the most deadly categories of weapons. The first phase began in the multilateral arena and then shifted focus to the bilateral US-USSR arena; the second saw a continuing bilateral focus alongside a reemerging multilateral track; and the third is developing along unilateral, bilateral, and multilateral paths. All of the phases were characterized by

psychological and political drivers that were both enabled and limited by technical capabilities of independent verification.

Phase I: Bounds and Limits

The first phase of Cold War arms control started as an effort to bound the international problem posed by nuclear weapons. By the early 1960s the P5 nuclear club was complete, international and national organizational structures to address the management of nuclear matters were in place, and the stage was set for complementary formal approaches to freeze the number of nuclear weapons states and limit nuclear weapons testing and deployment. 1962 was an important year in this effort with the Cuban Missile Crisis providing the political imperative to act and the Vela Hotel satellite providing a means of final verification of test ban compliance—a key ingredient in these early bounding efforts. The results of this multilateral thread were most notably the Nuclear Nonproliferation Treaty (NPT—if you don't have them, don't get them; if you do have them, don't give them to anyone else) and the first set of agreements establishing nuclear weapons free zones (Antarctica, outer space, Latin America). The major nuclear arms control effort then shifted over to the bilateral arena between the US and the USSR for the remainder of this phase. Here the effort was to bound the pace and scope of strategic weapons systems growth to keep the nuclear arms race in check and maintain two-way deterrence between the superpowers.

The pivotal point here was 1968, which saw the NPT and the shift to the bilateral, but it also was the year that United States "national technical means" were certified as operational. Serious negotiations could thus go forth on limits at least up to the technical capabilities that these systems represented. Formal Strategic Arms Limitations Talks could then be pursued along with confidence-building agreements

toward bilateral strategic and test limits (SALT I and II Treaties along with Threshold Testing and Peaceful Nuclear Explosions limits). So the first phase of Cold War arms control began with multilateral efforts to bound the strategic nuclear problem to a bilateral game, and then shifted to bilateral efforts to bound future growth within that game. The impetus behind these efforts was the combination of weapons capabilities and political imperatives, and the parameters within which they took place were dictated by the technical abilities to independently verify compliance with major provisions.

Phase II: Reductions and Elimination

The second phase, which completed the Cold War and bridged the transition to a very different post-Cold War strategic environment, began slowly in terms of products (treaties). However, it highlights the importance of the established bilateral process. With the SALT agreements limiting future developments in strategic systems, the next logical and national security enhancing step in US-USSR arms control was to begin reductions in the vast numbers of deployed weapons and systems. But this step would require on-site inspections and monitoring measures to extend national technical capabilities of independent compliance verification. Thus, the phase began with a series of sidebar agreements and other confidence-building measures working up to the acceptance of on-site verification. With the signing and initiation of implementation of the Intermediate-Range Nuclear Forces Treaty (INF) that provided for on-site inspection and system destruction verification, the path was paved for strategic reductions that were codified in the Strategic Arms Reductions Treaties (START I and II). Noteworthy, the fall of the Soviet system and even the change of form of government in Russia did not pose major disruptions to the

Figure 1: The Arms Control Process Across and Beyond the Cold War

Phase I—Bounds and Limits

Year	Influencing Event	Multilateral AC	US/USSR CSBM	US/USSR AC	E/W CSBM/AC
1945	US Atomic Bomb				
1946		US Baruch Plan			
1947					
1948					
1949	USSR Atomic Bomb				
1950					
1951					
1952	Britain Atomic Bomb				
1953		US Atoms for Peace			
1954					
1955			US Open Skies Proposal		
1956		IAEA			
1957	Sputnik				
1958	US ICBM Test		US/USSR Test Moratorium		
1959		Antarctica Treaty			
1960	France Atomic Bomb		US Proposes Test Ban		
1961			US ACDA Formed		
1962	Cuban Missile Crisis	UN CD Formed	US Vela Hotel Satellite		
1963		LTBT	US/USSR Hot Line		
1964	PRC Atomic Bomb				
1965					
1966					
1967	US MIRV	Outer Space Treaty Treaty of Tlateloco	Glassboro Summit		
1968		NPT	US NTM SALT Talks		
1969					
1970					

1971		Zangger Committee Seabed Treaty	Nuclear War risk Reduction Agreement		
1972		BWC	Incidents at Sea Agreement	SALT I Treaty ABM Treaty	CSCE Talks
1973			Prevention of Nuclear War Agreement		MBFR Talks
1974	India Atomic Test		Vladivostok Summit	TTBT	
1975					Helsinki Final Act
1976				PNET	
1977		Environment Modification Treaty			
1978					
1979	NATO Dual Track Afghanistan			SALT II Treaty	

Phase II—Reductions and Elimination

Year	Influencing Event	Multilateral AC	US/USSR CSBM	US/USSR AC	E/W CSBM/AC
1980					
1981		Certain Conventional Weapons Convention	INF Negotiations		
1982			START Talks		
1983	US SDI Program US INF Deployment		START/INF/MBFR Talks Suspended		
1984					
1985		Treaty of Rarotonga	Nuclear and Space Talks Resumptions/Expansion		
1986			USSR Accepts OSI in Principle Early Notification of Nuclear Accidents Agreement Reykjavik Summit		Brussels Declaration (CFE) Stockholm Agreement (CSBM)

1987			Nuclear Risk Reduction Centers	INF Treaty (OSI)	
1988			Ballistic Missile Launch Notification Agreement		
1989	Berlin Wall Falls		Dangerous Military Activities Prevention Agreement Notification of Strategic Exercises Agreement CWC Data/Inspections Agreement		CFE Talks Begin
1990					Charter of Paris CFE Treaty
1991	Gulf War USSR Dissolved	Big 5 NP Initiative	US/Russsia CTRP PNIs I	START I Treaty	Vienna Document (CSBM)
1992		Agreed Framework US/DPRK	PNIs II		Open Skies Treaty CFE 1A
1993		CWC		START II Treaty	
1994		FMCT Talks			CSCE>OSCE
1995					
1996		Treaty of Pelindaba Wasenaar Agreement CTBT			
1997	India Atomic Bomb Pakistan Atomic Bomb	Ottawa Treaty Bangkok Treaty	Helsinki Summit		
1998			US DTRA Formed		
1999	Kosovo Conflict				OSCE Vienna Document
2000		US Rejects CTBT	US ACDA Disbanded		
2001	US Terror Attacks		US Withdraws ABM Treaty		
2002				SORT Treaty	

arms control process. After a series of unilateral "Presidential Nuclear Initiatives" by Presidents Bush, Gorbachev, and Yeltsin, the START process resumed, resulting in the finalization of START II and eventually the Strategic Offensive Reductions Treaty (SORT).

SORT as Phase II Endgame; North Korea Points the Way into Phase III

SORT is founded in the "new strategic framework" of cooperation and competition—not confrontation—between the United States and Russia. The US-Russia relationship that was formerly driven by nuclear balance and stability concerns is now a function of the totality of the more "normal" relationship. However, even though "friends don't need arms control," the sheer sizes of the nuclear inventories held by these two powers mandate a continued caution. Mutual reduction agreements such as the broadly defined SORT can continue to play a constructive role. Further, the possibility of third-party challenges intervening, particularly on Russia, gives added weight to the call for continued caution. A significant shift in the nuclear balance at a critical sector of the Russian border, for example, could become destabilizing to the US-Russia balance. At the same time, the broader reality of global proliferation—especially any actual employment of weapons of mass destruction—could pose severe challenges to the parallel course of US and Russian nuclear draw downs. Thus, a formalized yet not overly burdensome (in terms of defined verification mechanisms) agreement such as SORT forms a sensible hedge. In the absence of challenges of the magnitude cited above, the cooperation, stability, and predictability fostered by agreements such as SORT are important vehicles for continuing the path toward a "normal" bilateral relationship. Whether or not further formal arms control agreements between the United States and Russia are ever concluded (such as one addressing non-strategic nuclear weapons?), the process of strategic

cooperation has been established, and it should extend the security benefits of Phase Two into the near- and mid-range futures.

While this series of events indicates a maturation and stabilization of the US-Russia strategic relationship—along with a concurrent series of stability and arms control agreements extending to the broader range of European security that grew out of the US-USSR/Russia process—the end of the Cold War pointed out some major threads of instability and weakness in the original multilateral, nonproliferation track. As indicated above, the first phase of arms control in the nuclear age addressed nuclear proliferation concerns, seeking to bound the nuclear question to essentially a two-player game. Late in the first phase this track added the Biological Weapons Convention, and the nonproliferation track continued along this nuclear/biological path into the second phase. During the late Cold War the international community added several more nuclear free zones, extended nuclear testing limitations, completed a Chemical Weapons Convention, and addressed weapon and delivery system critical component transfers and controls. But just as the success of the US-Russia nuclear process centers on growing two generations of trust under independent national compliance verification assurances ("negotiate but verify" the byword), there is little international or independent compliance verification capability for widespread nuclear proliferation, and certainly not for dual-use categories of weapons such as in the chemical and biological arenas or for weapons delivery means.

The history of the North Korean nuclear program is a continuing series of reluctant, externally pressured accessions to international nonproliferation agreements and norms, uninterrupted national efforts undertaken in violation of those international agreements, refusals and delays in allowing compliance inspections that would uncover the

string of violations, and manufactured crises when these delays could no longer stall the inevitable. Brinksmanship behaviors seeking one-sided external concessions in return for compliance, or status quo acceptance of the violations, have been the norm. One could forecast a range of eventual outcomes for the North Korea nuclear challenge, but in all of the range of outcomes there are requirements for verification regimes, skills, and tools that carry over from more traditional arms control and nonproliferation. And there are also requirements for expanded capabilities and new applications as the emerging conditions of active counterproliferation become clearer. These emerging requirements are not fundamentally unique, however; they represent another stage on the arms control continuum just as counter-proliferation represents an expansion into Phase III of the evolving strategic arms control process.

From this process perspective, then, SORT indeed represents the endgame of Phase II—the logical conclusion of the superpower confrontation of the Cold War. It extends to the limits of combined off-site and on-site independent verification, and it transitions the two sides from confrontation to cooperation—and "arms control" is not a policy tool for cooperative relationships. It caps the requirement to control strategic nuclear weapons and security challenges resulting from them, at least in terms of Russia and the current strategic balance. But even as SORT continues as one face of arms control today, the established process, cooperative framework, and technical assurances of SORT also underscore the absence of all of those "luxuries" when it comes to the current and growing threat of global proliferation. This threat—manifest in the early twenty-first century most markedly by the defiant North Korea nuclear challenge, along with a significant Iranian challenge not far in its wake—represents another current and future

face of arms control. Phase III returns directly to a central focus on proliferation challenges and multilateral venues, both of which complicate arms control for the foreseeable future.

The preeminence of efforts to address the challenge of proliferation—nonproliferation and counterproliferation, cooperative and punitive—will continue, and ideally with significant synergy. All of these programs constitute an umbrella of policy threads that blend one into another across a continuum from a basis in traditional disarmament through arms control and nonproliferation and into counterproliferation. This development is evident in United States policy since the end of the Cold War.

TRANSITION AS REFLECTED IN UNITED STATES POLICY

Post-Cold War United States policy both reflects and projects the process and the environmental characteristics developed above. This section traces the major policy foci and threads from the George H. W. Bush administration through the George W. Bush administration, with a brief projection into and beyond the 2004 presidential election.

George H. W. Bush

The foreign and security policy direction for the senior Bush administration was reflected in its inaugural August 1991 *National Security Strategy* statement. The two key sections for this paper are from the discussion that spelled out the administration agenda, and they are labeled—in order—"Arms Control" and "Stemming Proliferation." Arms control is given a significant role in both enhancing security and strengthening stability—it is tasked to relieve tensions and eliminate the causes of that tension—by "reducing military capabilities," "enhancing predictability," and "ensuring confidence in compliance." As reflecting the second phase of east-west focused arms control in the process offered in this paper, this policy effort still centered on United

States-Soviet (Russia) relations. Advances revolving around the START process, the Conference on Security and Cooperation in Europe, and the Conventional Forces Europe effort are cited as examples of effective arms control policy implementation.[4]

Efforts to stem proliferation are couched here primarily in terms separate from the east-west conflict, and these address proliferation limitation for nuclear, chemical, and biological weapons, as well as the missile delivery systems associated with such weapons. A key policy driver for Bush senior was the public realization that international agreements—while the essential base for stemming proliferation—were inadequate alone to address the growing threat. The 1991 strategy called for strengthened export controls and an effort to reverse proliferation motivations (couched here in terms of "underlying security concerns"). Its three prongs were "to strengthen existing arrangements; to expand the membership of multilateral regimes directed against proliferation; and to pursue new initiatives."[5]

The places of arms control and proliferation control at the point of transition to a post-Cold War world were, then, set well into the main evolutionary thread represented in the process view of arms control. The important addition is that while arms control remained mainstream and bilateral, proliferation concerns were now broken out for separate (if still secondary) focus and were framed in international, multilateral terms around the discussion of their threat and response. The trend line was fairly straight and evolutionary, but it now had two linked threads—arms control and nonproliferation.

William J. Clinton I

While George H. W. Bush had given separate emphasis to nonproliferation and had acknowledged that international agreements alone were inadequate to stem the growing threat, the first Clinton

administration went the next step. The July 1994 (first term) Clinton *National Security Strategy* elevated proliferation concerns by addressing proliferation third and arms control fourth in its development of security policy components, and it also expanded those concerns by explicitly pairing nonproliferation efforts with "counterproliferation." The Clinton strategy began from the assertion that weapons of mass destruction (WMD) and their means of delivery pose "a major threat" to US, allied, and friendly nation security. The effort to continue the Bush policy thrust to "stem" this threat was based in the continued emphasis on traditional multilateral nonproliferation regimes and structures. Significantly, however, the Clinton statement went beyond those efforts to add "should such efforts fail, U.S. forces must be prepared to deter, prevent and defend against their [WMD] use." A year after the formulation of the Agreed Framework to address the manifest North Korea threat, and six months after the issuance of the US Department of Defense Counterproliferation Initiative, President Clinton's strategy stated "The United States will retain the capacity to retaliate against those who might contemplate the use of weapons of mass destruction." A major unilateral arrow had been added to the US policy quiver, and declaratory policy incorporated both deterrent and preventative use of United States power—as well as expanded defenses—to stem proliferation and address its consequences.[6]

Backing up this expanded policy approach to proliferation, arms control was addressed separately but as another "integral part of our national security strategy." Clinton promised "full and faithful implementation" of existing treaties, and he opened the door for future regional and multilateral treaties while also expressing support for international arms control negotiation and implementation institutions.[7]

Thus the Clinton administration maintained the evolutionary path, linking the past of arms control with the present and future of cooperative arms control and nonproliferation efforts. But it also reflected the reality of the emerging new threat dimension represented by North Korea as it added a third dimension to the trend line—the complementary and reinforcing dimension of counterproliferation. This new dimension was necessitated by clear failures of the traditional norms, and it was intended to augment and expand deterrence while also being reserved for use as a preventive and defending tool should this new application of deterrence also fail.

William J. Clinton II

The second-term Clinton administration began from the same departure point: "Weapons of mass destruction pose the greatest potential threat to global security." This threat was attributed to both "outlaw states" and a range of non-state actors. The administration program was based first on reducing the existing threat and also blocking further proliferation. This implied a continued priority on counterproliferation backed by active nonproliferation efforts. However, in an administration focused on multilateralism and coalition peace operations, the term "counterproliferation" was absent from the *National Security Strategy* and again limited to use within the Department of Defense.[8]

Among the "integrated approaches" to addressing the international security environment, active "shaping" efforts included an important role for arms control as "an essential prevention measure." Cooperative approaches would reduce strategic weapons inventories and block the spread of both weapons and delivery technologies to help reduce or eliminate the need for active military responses. The second Clinton term team saw arms control as extending beyond US-Russia

efforts to include the full range of multilateral arms limitation and nonproliferation efforts.[9]

The second-term Clinton foundation *National Security Strategy* then goes on to specifically address nonproliferation initiatives as key shaping activities. This emphasis spans from treaties to export and technology transfer controls, and on to regional challenges (Korea, the Middle East/Southwest Asia, and South Asia), and to US-Russia cooperative threat reduction efforts, even to concerns about Chinese missile technologies. Again, the stated priority was with strengthening international efforts and blocking further proliferation at this point—no specific attention was given in this document (other than mention of the Korea Agreed Framework) to reversing or countering existing proliferation.[10]

While the second Clinton administration backed away from a primary public emphasis on more active counterproliferation policy with its implication of failure for more traditional nonproliferation tools, the relatively linear evolutionary trend line for US policy continued. Counterproliferation left the public policy limelight and returned to the purview of military policy, and a renewed international cooperative focus returned to give primary emphasis to strengthening failed nonproliferation tools. And arms control regained front-stage position as the umbrella security construct. However, regardless of public emphasis, the three parallel lines of arms control, nonproliferation, and counterproliferation—of combined multilateral, bilateral, and unilateral actions—continued side-by-side at the heart of US policy.

George W. Bush

The foundation for strategic policy in the George W. Bush presidency was established well before the tragic events of September

11, 2001. As both candidate and president, Bush set forth his new emphasis on blended deterrence, expanded defense, and active counterproliferation across the campaign and into the early months in office. If the Clinton presidency—particularly the second term—had been identified with multilateralism in US policy, the context for Bush included assertive unilateralism when indicated. The Republican platform crafted by the Bush team described a foreign policy basis of "American international preeminence" . . . a "singular opportunity to shape the future" . . . and "mold international ideas and institutions" . . . under a "distinctly American internationalism. . . ."[11] Bush stated "we need new concepts of deterrence that rely on both offensive and defensive forces," and strongly backed the near-term fielding of active missile defenses. The ABM treaty would have to be modified or the United States would have to withdraw from it to enable that fielding. Traditional retaliatory deterrence and the ABM treaty were seen as relics of an obsolete framework, strategy, and set of implementing mechanisms.

As president, Bush called for "a new policy, a broad strategy of active nonproliferation, counterproliferation and defenses."[12] The pre-9/11 Bush identified the primary strategic problem: "A generation of American efforts to slow proliferation of weapons of mass destruction has unraveled;" and he outlined what would be his answer: "renew America's faltering fight against the contagious spread of nuclear, biological, and chemical weapons, as well as their means of delivery."[13] As for how to mount that renewed fight, he stated that in addition to deployed missile defenses "the best defense can be a strong and swift offense," going on to say that for example in Iraq, if Saddam were building WMD, "I would take them out."[14]

The basis for the Bush administration security strategy was the Quadrennial Defense Review (QDR), which addressed centrally the threat of failed and failing states and non-state actors possessing advanced capabilities—specifically WMD and delivery capabilities—and willing to use that asymmetrical set of capabilities directly against the United States, US forces, or key US interests. It called for a strategy not focused simply on deterrence, but one linking assurance (of allies and friends), dissuasion (of future challenges), deterrence (much more broadly based than traditional nuclear retaliation), and the ability to decisively defeat any adversary. While not yet specifying how the United States would achieve these broadened and blended goals, the QDR called for a transformation of US security forces and concepts for the new world security challenges.[15]

What many see as a departure, then, or at least an abrupt change in vector, for the Bush team following 9/11 is actually much more a deepening than a change: the 9/11 attacks reinforced, extended and expanded, and placed the already developing Bush policy on a war footing. This more active counterproliferation focus was highlighted in the president's 2002 graduation speech at West Point. Reinforcing his earlier references to proliferation as the chief danger to US security, President Bush said "The gravest danger to freedom lies at the perilous crossroads of radicalism and technology. When the spread of chemical and biological and nuclear weapons, along with ballistic missile technology—when that occurs, even weak states and small groups could attain a catastrophic power to strike great nations." That imperative was voiced in concert with the administration's firm conclusion that existing nonproliferation regimes were ineffective in implementation and enforcement: "We cannot put our faith in the world of tyrants, who solemnly sign non-proliferation treaties, and then

systemically [sic] break them. If we wait for threats to fully materialize, we will have waited too long."[16] Thus, the policy of both responsive and preemptive action was formalized.

> Homeland defense and missile defense are part of stronger security, and they're essential priorities for America. Yet the war on terror will not be won on the defensive. We must take the battle to the enemy, disrupt his plans, and confront the worst threats before they emerge. In the world we have entered, the only path to safety is the path of action. And this nation will act.[17]

The George W. Bush *National Security Strategy* further formalized these themes. Citing the West Point speech, its chapter on preventing WMD threats called for, in order of presentation, "proactive counterproliferation efforts" (including detection, active and passive defenses, and counterforce capabilities), "strengthened nonproliferation efforts" (here diplomacy, arms control, multilateral export controls, and threat reduction assistance), and "effective consequence management." The *Strategy* statement went on to state a legal and logical case for preemptive action in the face of WMD threats.[18] This statement was closely followed by the release of a more detailed implementing *National Strategy to Combat Weapons of Mass Destruction*. Restating the three policy thrusts outlined in the *National Security Strategy*, the *WMD Strategy* detailed four enabling functions: counterproliferation (calling for development of "the full range of operational capabilities to counter the threat and use of WMD by states and terrorists" and unambiguously stating that the United States "reserves the right to respond with overwhelming force—including through resort to all of our options—to the use of WMD against the United States, our forces abroad, and friends and allies."), nonproliferation, WMD consequence management, and integrating functions such as improved intelligence

collection and analysis, research and development, strengthened international cooperation, and targeted strategies against proliferants.[19]

The place of "arms control"—as referred to by the George W. Bush administration as US-Russian strategic agreements—has been supplanted by efforts to address the primary threats of proliferation. The stage has shifted from east-west relations to focus primarily on failed states and non-state entities potentially armed with mass effect weapons and means of delivery. The emphasis here, particularly after the locus of threat was demonstrated to include—perhaps to be primarily cited within—the United States homeland, is shifted from cooperative efforts to assertive unilateral measures shared where possible with "coalitions of the willing." And the deterrence and defense effort has also shifted from "offenses for deterrence in the absence of effective defense capabilities" to a combination of traditional strategic deterrence, active offenses for both deterrent and preemptive effects, and active defenses to reinforce across the board. All of these policy threads have their foundations in the evolutionary shifts from across the post-Cold War era, but each is also deepened, extended, and at least slightly tailored by the attacks of September 2001.

Election 2004

As the United States enters the 2004 election season, national security looms as a primary arena of contention between the likely contenders. However, in arms control, nonproliferation, and counterproliferation, the differences rest more on implementation than on policy itself.

Entering campaign season, President Bush reinforced and expanded his positions in a speech at the National Defense University (NDU). Just as he had given the first strategic policy speech of his

presidency at NDU, he chose that locale to launch what he hoped would be his second-term policy agenda. The NDU speech reiterated that the nature of the primary threat had shifted to "the possibility of secret and sudden attack with chemical or biological or radiological or nuclear weapons." He also reinforced his rationale for preemption: "What has changed in the 21st century is that, in the hands of terrorists, weapons of mass destruction would be a first resort—the preferred means to further their ideology of suicide and random murder." His prescription, then, besides active defenses and enhanced intelligence, is to seek to remove the threat at the source—stop proliferation in all of its forms. His examples highlight diplomacy, the efforts of the International Atomic Energy Agency (IAEA), bilateral cooperation, active removal, and strengthened multinational efforts such as the Proliferation Security Initiative (PSI). The PSI involves intelligence sharing and coordinated actions to interdict the shipment of materials or weapons in transit. The Bush nonproliferation agenda, then, includes seven specific action items:

-Expand the PSI to address more than shipments and transfers—add direct action against sources;

-Strengthened laws and controls—criminalize proliferation, stiffen export controls, and secure dangerous materials;

-Expand nuclear materials assurance efforts of Russia and of our own weapons stockpiles, and extend the effort to other states (Iraq and Libya cited);

-Strengthen the NPT to address dual-use capable power systems; stop enrichment and reprocessing capability proliferation; strengthen IAEA enforcement capabilities;

-Limit import of civilian nuclear program equipment to only states that have signed the NPT Additional Protocol (requires declaration and inspection of a range of nuclear activities and facilities);

-Create a special committee of the IAEA Board for intensive focus on safeguards and verification;

-Prohibit nations that are under investigation for proliferation violations from serving on the IAEA Board of Governors.[20]

The expectation of a second George W. Bush term, then, would be one of continued emphasis on active counterproliferation both within and outside of the multilateral proliferation regimes, attempts to expand and strengthen those regimes—particularly their verification and enforcement—and a continued declaratory policy of unilateral action to preempt either state or terrorist threats. The now secondary but essential sidebar effort is a continuation of the implementation of the Moscow Treaty draw down in deployed strategic nuclear warheads along with safeguards and sustainment of withdrawn weapons and materials. Finally, a primary adjunct to both the counterproliferation and traditional arms control threads is the early deployment of missile defenses as soon as technological development allows.

The Democrats and Senator John Kerry raised issue with the Bush decision to go to war in Iraq based on faulty intelligence and with its virtually unilateral implementation, but not with the underlying identification of proliferated weapons as a vital national security concern. Senator Kerry's cited arms control differences with the Bush administration were, first, over Kerry's commitment to the abandoned Comprehensive Test Ban Treaty and his preference for an enforcement mechanism in SORT; second, a more multilateral approach to strengthening nonproliferation regimes; third, an opposition to any moves toward developing new nuclear weapons, with that opposition couched in terms of damaging effects on the arms control and nonproliferation process; fourth, a more focused approach to North Korea and also to Iran (he sited Iraq as diverting that focus); and fifth, a more deliberate deployment of missile defenses only after full technical capability can be demonstrated along with a real threat identification.[21]

Other influential Democrats added a six-point plan to strengthen nonproliferation and "proactive diplomacy":

> -Improve international weapons monitoring, inspection, and verification capabilities;
>
> -Expand and accelerate Nunn-Lugar threat reduction programs;
>
> -Conclude the Fissile Materials Cut-Off Treaty to achieve a global halt to the production of weapons-useable fissile materials;
>
> -Enhance export controls and use the PSI to further restrict access to nuclear weapons applicable fuel-cycle technologies;
>
> -Engage/re-engage "states of proliferation concern" such as North Korea to find ways to bring those states back into the community of responsible nations;
>
> -Lead by example, reconsider the CTBT, and reduce the role of nuclear weapons in United States (and Russian) security policy.[22]

The bottom line for near-term United States policy, then, seems to be that, first, a central emphasis will continue on strengthened nonproliferation enforcement. A Democrat administration would likely place more focus on strengthening and perhaps expanding the regimes themselves, while a second Bush term would look more toward verification and enforcement either within or outside of the nonproliferation regimes. In both cases, the PSI and the IAEA will continue to receive United States emphasis and backing. Second, the US-Russia strategic draw downs will continue, along with continued emphasis on safeguarding the withdrawn weapons and materials. Finally, one should expect differences in rhetoric, in preferences for multilateral approaches to proliferation issues, in the timing and character of any missile defense deployments, and in the public emphasis on counterproliferation actions and policies.

TREND LINE PROJECTION AND IMPLICATIONS

Again, arms control is a political process at its core and a technological process at its parameters. The mix of political will and

verification capability sets the agenda, enables agreements and cooperation, and controls implementation. Thus Phase I of the nuclear-era process bounded the scope of the effort to address strategic nuclear weapons and systems by first limiting it to fundamentally a two-state issue and second providing independent verification technology to enable limits to future growth. This narrowly defined "arms control" track (defined in terms of US-Soviet/Russian strategic controls) continued into Phase II where, after an extensive confidence-building effort, on-site inspections overcame verification technology limitations to allow warhead reductions. This effort is today represented by SORT, and it continues—but now as an important but secondary track—into Phase III and the near- to mid-term future. The sheer size of the draw down efforts—and the stores of weapons quality materials—have added a significant nonproliferation safeguards effort to this strategic reductions implementation program, tending to merge the "arms control" and "nonproliferation" tracks into Phase III.

The multilateral track, that in Phase I allowed the bounding of the strategic nuclear problem, continued as a sidebar track across the remainder of Phase I and also Phase II, with nuclear free zone declarations, NPT refinements, and testing limits supplementing that nuclear bounding. It also added biological and chemical weapons limitations to its more narrowly labeled "nonproliferation" focus. Political will allowed these additions, but a lack of technology and procedures to ensure independent verification have to date prevented full and successful implementation of the biological and chemical regimes.

One cautionary note on this multilateral track is that there have been preliminary discussions within the international community on seeking to add regulatory regimes addressing cyber activities and

restrictive regimes addressing military space applications. These are legitimate arenas of concern; however, some of the activity here is clearly aimed at checking United States military advantages in these areas. The United States must remain actively engaged in this track to both facilitate security enhancing developments and also to check attempts to blunt required capabilities to the detriment of our security.

In sum, then, efforts to strengthen overall detection and verification, and to add additional enforcement avenues, perhaps even new arenas, mark the course of Phase III for nonproliferation. In the absence of verifiable compliance assurances, a relatively more self-help, or "counterproliferation," track was launched midway into Phase II and continues as a primary track into Phase III. As long as questions continue on the political will of some parties and the general state of technology to assure nonproliferation, this track will likely maintain some significant place in United States policy. However, even with a primary role, efforts to expand multilateral nonproliferation regimes pull some of this focus away from its initial unilateral reliance. The end result is three relatively parallel policy tracks into and across Phase III, with proliferation-focused efforts at center stage, but also with some merging from bilateral and unilateral into a renewed and invigorated multilateral effort to stem the rising threat of proliferation.

Implementation Issues

The evolution of arms control represented at the stage of SORT indicates a focus on the cooperative dimension of even the highest level of strategic conflict maturing toward cooperative security based on active cooperation and ever-building trust. This is an evolution of bilateral cooperation with regional/alliance spillover, all transitioning toward partnership. The target today continues to be strategic nuclear systems, with diversion and accident the conditions to be blocked. And

while there is some attention to expanding the emphasis to theater nuclear weapons, and to residual chemical and biological weapons, the process centers on decommissioning and then safeguarding and disposing of strategic stores. There are certainly political, economic, and physical challenges in implementation, but the overall environment is stabilizing and relatively predictable. Independent and cooperative technologies are employed on-site, and independent off-site means continue to provide the ultimate verification failsafe.

The complementary nonproliferation track exists as a mix of mature and nascent agreements, implementing structures along side ad hoc implementation, and rigorous inspection regimes along with compliance based almost solely on trust. The policy requirements here are to reinforce the strengths and shore up the weaknesses of these regimes, processes, and structures. A renewed focus on nuclear materials and weapons is a priority, as is the search for effective controls on the proliferation of delivery systems, particularly ballistic missiles. A continued effort to find effective verification and enforcement means for chemical and biological weapons also takes on renewed urgency today. And a reinforced effort to secure stocks from which radiological weapons can be produced is also indicated. Political will still varies widely, so bilateral and smaller coalition efforts are needed until wider multilateral improvements can be crafted. Enhanced export controls and PSI-style cooperative enforcement represents a start toward filling that gap in effectiveness. And here too, both independent and cooperative technologies must be improved to support effective controls.

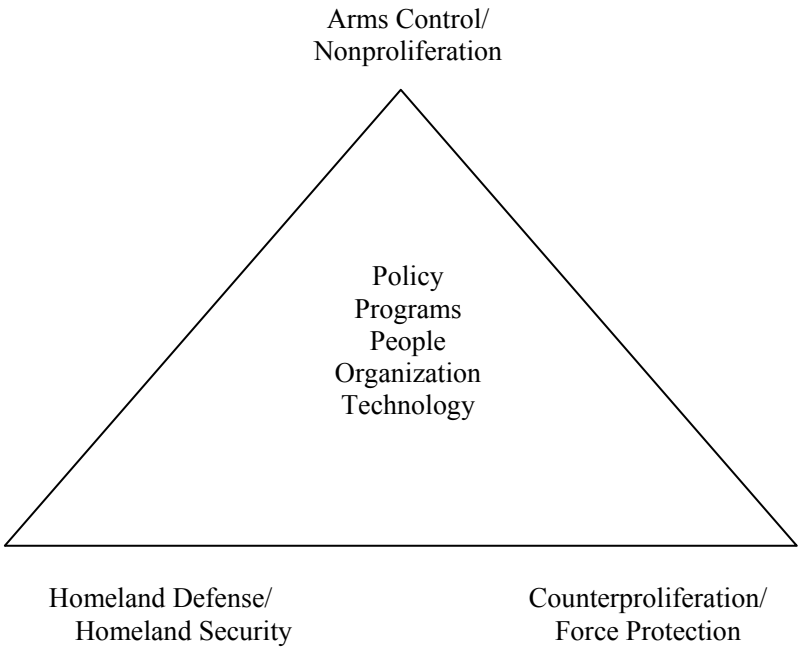
The Phase III counterproliferation stage represented by Korean nuclearization is fundamentally more challenging. The core relationship here is hostile and non-cooperative to the extreme. Even

within negotiated boundaries, active deception and noncompliance are the expectation and the norm. Even within multilateral approaches to compliance verification, one must continue to fully rely on independent, off-site confirmation at every step; where the limits of national technical means are exceeded, there can today be no confidence that compliance occurs. The concern here is to stop the continued development of a full range of weapons of mass destruction as well as delivery systems and even system employment. The program must focus primarily on discovery and stemming future growth before it can turn to safeguarding or disposal. Building consensus toward unified action is a political imperative, with unilateral efforts and preparedness probably the only alternative while that consensus of will can be built. The technology requirement is for area detection systems and intelligence applications as well as for on- and off-site systems that are reliable under the full range of conditions to include trans-conflict and contaminated post-conflict operations.

While the United States arms control, nonproliferation, and counterproliferation communities are addressing many of these concerns—developing requirements and systems, as well as programs and personnel to employ those systems to address much of the range of concern—this is not yet a cohesive effort. The arms control/ nonproliferation effort resides primarily in the Department of State in policy terms and in the Departments of Energy and Defense in terms of implementation, and counterproliferation is centered in the Department of Defense. There are logical overlaps and synergies in some areas—particularly in personnel skills and technologies—but there is no formal means to ensure that those synergies and associated efficiencies are routinely realized.

One primary recommendation, therefore, is to adopt a dual-track approach to policy and programs—certainly to the specification of human and technological requirements—that bridges traditional arms control/nonproliferation with counterproliferation. This can be accomplished through an interagency "arms control, nonproliferation, and counterproliferation" (ANC) task force, and must incorporate a series of expert-level working groups that meet regularly for interaction and communication. The requirements definition and resourcing processes must also be modified to incorporate this interagency and cross-functional structure. The promise is for greater effectiveness across the board, and for more efficient development along with broader and deeper political backing that will benefit the entire United States arms control effort.

Figure 2: "ANCH"—The Way Ahead



Further, as there is a large area of overlap in the human and technical capabilities required for this combined ANC arena and the emerging homeland defense/homeland security arena, even greater effectiveness, efficiency, and support can come from a triangular structure and effort within the policy community (arms control/ nonproliferation, counterproliferation, and homeland security—ANCH). As Dr. Richard Falkenrath related to a conference audience, he had come into government on the staff of the National Security Council to work proliferation issues, and now he works homeland defense issues on the Homeland Security Council staff, yet he still does the same things every day.[23] Here initial ANCH task groups aimed at establishing communication and defining mutual requirements should be established and fostered to prepare the ground and plant the seeds for increasing integration. Competition for scarce resources can be turned into combined development, and synergies in capability can further all three sets of programs and efforts.

CONCLUSION

As is clear from the discussion here, the policy choice for the United States is not one of arms control or no arms control, or of either nonproliferation or counterproliferation, or even of active defense or disarmament. The policy imperative to ensure national security is how to craft an inclusive framework to ensure coordinated action and synergy of results across all of these integrally linked activities.

If the imperative is to achieve policy coherence toward synergy and enhanced national security, the first requirement is for a national, bipartisan commitment to a broad national security strategy that incorporates the umbrella arms control as an integral track. In a post-September 11, 2001, proliferated world, forging a broad national consensus on security strategy should be possible IF the parties and

branches can agree to engage the debate. Failing that debate and movement toward consensus, or during the debate and awaiting its outcome, active interdepartmental coordination of implementation activities is needed to both achieve preliminary synergies and establish the foundation for later and expanded policy coordination. Some organizational changes, or at least review and possible realignment of responsibilities, may be indicated by future policy guidance. Again, either failing or awaiting such guidance, the various agencies and offices involved in "arms control" most broadly defined can and should form cooperative task force/fusion center arrangements to maximize current effectiveness. This should include all arms control, nonproliferation, and counterproliferation functions, to include all related intelligence functions. Only this close coordination can begin to address the informational and human requirements identified above.

In the end, effective cohesion will require a national commitment and priority backing. Policy coherence must include the deliberate fusion of knowledge and expertise behind both synergistic policy formulation and implementation. It must also incorporate a deliberate commitment to develop the human resources of arms control—from strategic and policy expertise to technical, operational, and informational expertise—and foster a cadre of arms control specialists across effective careers of service and excellence. Policy commitment, organizational commitment, and human commitment are all essential to success here.

The overall conclusion, then, is that the full range of activities and policies under the inclusive umbrella of "arms control" remain vital and relevant now and into the foreseeable future. Human history is a chronicle of efforts to limit the potential and destructive results of warfare. Today, as modern technologies threaten massive suffering and

even catastrophic destruction, nations, groups, and individuals will continue to strive for security enhancing limitations and restrictions on military capabilities. As long as weapons remain tools of international relations, international actors will be involved in "arms control." This field of international policy will remain viable and vital into the foreseeable future, and United States national security can only be enhanced by deliberate attention and priority to this policy arena.

NOTES

[1] See, for example, Richard Dean Burns, "An Introduction to Arms Control and Disarmament," *Encyclopedia of Arms Control and Disarmament* (New York: Charles Scribner and Sons, 1993), 1-12, for one summary of the history of disarmament efforts.

[2] An early distinction between the disarmament tradition and Cold War arms control was drawn by Hedley Bull, *The Control of the Arms Race: Disarmament and Arms Control in the Missile Age* (New York: Frederick A. Praeger, 1961).

[3] Thomas Schelling and Morton Halperin, *Strategy and Arms Control* (New York: Twentieth Century Fund, 1961), 1.

[4] George H. W. Bush, *National Security Strategy of the United States* (Washington DC: The White House, August 1991), 14-15.

[5] G.H.W. Bush, *National Security Strategy* (1991), 15-16.

[6] William J. Clinton, *A National Security Strategy of Engagement and Enlargement* (Washington DC: The White House, July 1994), 11-12.

[7] Clinton, *National Security Strategy* (1994), 12-13.

[8] William J. Clinton, *A National Security Strategy for a New Century* (Washington DC: The White House, May 1997), 6.

[9] Clinton, *National Security Strategy* (1997), 7-8.

[10] Clinton, *National Security Strategy* (1997), 8.

[11] "Republican Platform 2000, Principled American Leadership" (at http://www.rnc.org/2000/2000platform8)

[12] George W. Bush, "Remarks by the President to Students and Faculty at National Defense University," 1 May 2001 (at http://www.whitehouse.gov/news/releases/2001/05/print/20010501-10.html)

[13] "Republican Platform 2000."

[14] "Presidential Election Forum: The Candidates on Arms Control," *Arms Control Today* 30:7 (September 2000): 5, 7.

[15] Donald H. Rumsfeld, *Quadrennial Defense Review Report* (Washington DC: Department of Defense, 30 September 2001). The QDR report was prepared prior to 9/11, but its release was delayed for review following the attacks. The document did not receive major revisions in content during the less than three weeks of post-9/11 review.

[16] George W. Bush, "President Bush Delivers Graduation Speech at West Point," 1 June 2002 (at http://www.whitehouse.gov/news/releases/2002/06/print/20020601-3.html)

[17] "President Bush Delivers Graduation Speech at West Point."

[18] George W. Bush, *The National Security Strategy of the United States of America* (Washington DC: The White House, September 2001), 13-16.

[19] George W. Bush, *National Strategy to Combat Weapons of Mass Destruction* (Washington DC: The White House, December 2002).

[20] George W. Bush, "President Announces New Measures to Counter the Threat of WMD," 11 February 2004 (at http://www.whitehouse.gov/news/releases/2004/02/print/20040211-4.html)

[21] "Profiles of the Candidates: Senator John Kerry," *Arms Control Today* 34:1 (January/February 2004): 26.

[22] Senators Carl Levin and Jack Reed, "Toward a More Responsible Nuclear Nonproliferation Strategy," *Arms Control Today* 34:1 (January/February 2004): 9-14.

[23] Richard Falkenrath remarks at "Counterproliferation at Ten: Transforming the Fight Against Weapons of Mass Destruction" Conference, Alexandria, VA, 8 December 2003.

THE EU APPROACH TO ARMS CONTROL: DOES IT DIFFER FROM THE AMERICAN APPROACH?

Glen M. Segell

INTRODUCTION

The European approach to nonproliferation does not differ from the American approach. To be sure, the American approach as a hegemonic power at the start of the 21st century resembles the European approach of the Great Powers at the start of the 20th century. There is thus consensus in 2004 on the approach to the two big nonproliferation issues for European states. The first of these revolves around relations between America and European states within NATO over European regional security issues. These include the impact of NATO enlargement on Cold War arms control arrangements, particularly the adaptation of the CFE treaty; the future of the Balkans; and, specific matters in the Baltics such as the Russian Kaliningrad base. The second is commonality surrounding the ongoing arms control process on nuclear weapons and missiles between America and Russia that needs European Union (EU) consensus given EU enlargement. Integral to this is EURATOM holding jurisdiction to own, monitor, and verify nuclear material within the European Union, including the new members from Central and Easter Europe.[1] For all of these America has a willing partner in EU states to engage in bilateral, small-party multilateral, and large-party multilateral nonproliferation efforts. Notwithstanding this trans-Atlantic nonproliferation consensus, there are fundamental differences on counterproliferation on a global scale outside of Europe. Intrinsic differences of approach exist on the use of American armed force for counterproliferation, especially on the matter of rogue states and non-

state entities. In this America finds itself having to engage in unilateral counterproliferation. This will continue to be the case, especially if America chooses to pursue the doctrine of pre-emptive military force for arms control, namely, the Bush Doctrine. Such differences are reconcilable through multilateral cooperation such as the Proliferation Security Initiative.

Integral to explaining and comprehending the consensus and differences on arms control policies are definitions and historical experiences.[2] There does not appear to be a difference over definitions. Diplomats of America and member states of the EU agree that nonproliferation is defined as having a strong political, diplomatic, and economic dimension or emphasis. Nonproliferation in 2004 is characterised by 1) the end of Cold War arms control diplomacy dominated by treaties negotiated between the two superpowers, 2) residual Cold War WMD stockpiles requiring agreement, 3) the advent of rogue states and global terrorism leading to American pre-emptive armed force to disarm them, and 4) the common approach by 25 EU member states in determining regional and global agenda. In this context arms control is a synonym for nonproliferation. There is also agreement that counterproliferation includes the application of military power to support intelligence collection and analysis, diplomacy, arms control, and export controls. Thus counterproliferation may be viewed as the military component of nonproliferation. In this context disarmament is a synonym for counterproliferation.[3] The agreement on definitions is an important part of any diplomatic process towards international arms control policy formulation but does not necessarily lead to implementation.

The formulation and implementation of international arms control policies is also the product of a state's geography, its cultural roots, its constitutional arrangements, and its historical experiences. These

experiences are linked to the traditional or conventional view that diplomacy is statist in character. Such a view is promoted by a recent dictionary of diplomacy arguing the essence of diplomacy has to do with promoting and justifying states' interests.[4] By this it is understood that the state is the focal point that makes arms control diplomacy possible by granting the act and actors of diplomacy (diplomats) authority, legitimacy, and jurisdiction.[5] Diplomats promote a sovereign state's arms control agenda.[6] This identifies with the view of the state as the institution that claims a monopoly of legitimate force for a particular territory.[7] It is of no surprise that deliberations on the capabilities and attempts to limit such force, namely weapons, play an important feature in the diplomatic relations between states.[8] Given this one can understand the dilemmas to nonproliferation and counterproliferation posed by states (rogue) and non-state entities (terrorists) that do not participate in diplomatic activities or that do not adhere to the norms and principles established in and inferred from internationally negotiated and agreed arms control treaties.

These issues will continue to be viewed as building upon a wide, deep, and impressive range of preceding scholarship on American and European nonproliferation under these headings: what is war; war as a political act of arms control; military means to affect arms control; American arms control diplomacy; European arms control diplomacy; 21st century nonproliferation; the CFE Treaty; and CSFP/ESDP. To commence the analysis it must be noted that preceding scholarship noted in important literature shows a gradual transformation in contemporary international security and arms control.[9] Such a transformation was indicative of the termination of the bipolar Cold War deterrence and nonproliferation milieu. The specific watershed for the change in American approaches to WMD proliferation, namely the Bush Doctrine, arose from the psychological perception of political

elites emanating from the catalytic 9/11 terrorist attacks in New York and Washington in 2001. Despite this specific event, the transformation is not considered a dramatic transformation historically when considering the activities of previous European hegemonic powers.

THE NATURE OF ARMS CONTROL[10]

The similarity of international security facing the sole superpower, the USA, at the onset of the 21st century to that faced by the European Great Powers at the end of the 19th century is the process of arms control and disarmament as a political objective, albeit with different scales of weapon capability. Nuclear weapons were not yet in existence, while the use of biological weapons was not considered widespread. Chemical weapons were, however, a definite issue of arms control. This can be viewed through The Hague Conference of 1899 that failed to achieve the purpose for which it was originally called, as the larger Powers, particularly Germany, were unwilling to agree to a limitation, much less a reduction, of armaments.[11] The failure to affect arms control, in part, led to WWI and hence WWII.[12] The historical precedents of the consequences to restrain the build-up of arms are all too clear should the current international political process of arms control fail to restrain proliferation.

The Hague Conferences then, and the United Nations today, are important because they show the possibility of nations, as an international society, meeting in conference and agreeing upon measures of interest to the world's welfare. Arms control is the resulting process of such diplomacy, showing consensus of the international community even if the main structure of the international system is anarchic and the main agents are sovereign states.[13] Arms control is about establishing norms agreed to by the international community at large to attain cooperative international security to ensure

order within the anarchy. States that do not adhere to such norms are rogue to the consensus of the international community. As seen from numerous international diplomatic debates around the wording of, and voting on, the text of UN resolution 1441 on Iraqi WMD capability (8 November 2002), it is, more often than not, that the case is not what has to be done, but how best to do it.[14] Clearly the current need to address proliferation of WMD is an accepted principle and practice of international society led by the hegemonic power and reflects the understanding inherent in the Hague Conventions of 1899/1907 noted in hindsight after the onset of hostilities during World War I.[15]

Given the historical incidents of the failures of arms control (nonproliferation), disarmament (counterproliferation) is an established precedent for the use of armed force for international stability on behalf of the international society of nations. The issue at stake in the 21st century is how to affect such arms control, and if need be change the regime of any resisting state in order for it to accept the principles of international law, without challenging the inherent right of any nation to sovereignty and domestic self-rule. Arms control of any rogue states is thus to enforce compliance of its leadership with the accepted norms of the international community, not to threaten any other state and not to invoke generic fear or terror by the attempted acquisition or possession of WMD capability.

Given this, at the start of the 21st century, the world's sole hegemonic power that is active in international affairs, the USA, is now facing what the European Great Powers faced prior to World War I—the need to effect arms control on states attaining capability that tend towards the periphery of the society of nations by flouting, and even rejecting, the principles of international law, namely the international arms control agreements such as the Biological Weapons Convention (BWC), Chemical Weapons Convention (CWC), and Nuclear Non-

Proliferation Treaty (NPT).[16] Of paramount importance in this respect of arms control is not only the actions of the rogue states but also the changing role of America in international affairs, given that the greater part of its history as an independent power, virtually the whole of the 19th century, to say nothing of the twenty years that followed the First World War, was a time in which it seemed to have little need to worry about foreign affairs at all. Given this, America has seen the need to adapt its approach to international affairs and war.

AMERICAN ARMS CONTROL DIPLOMACY

American arms control diplomacy has constantly evolved given the radical changes of its role in world affairs at precipice points in its short history of sovereignty and hegemony. Shortly after independence it followed discretion in the observance of the principle enunciated by John Quincy Adams in 1821 when he said of his country "she goes not abroad in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own."[17] This changed rapidly given American engagement in conflicts outside her borders such as the Philippines Insurrection 1899-1902; the "punitive expedition" of 1916 by General John J. Pershing against the Mexican guerrillas led by Pancho Villa; and ventures into Haiti against the "cacos," 1918-1921; the Dominican Republic, 1916-1924; Nicaragua until 1933; and participation in World War I. Such foreign engagements using military force led America to become party to European diplomatic arms control processes such as the Hague Conventions of 1905/1907.

It was in the aftermath of World War I in the era of the League of Nations that America, under President Wilson, entertained its first major arms control diplomatic initiative.[18] It was, however, only after World War II that America entered its current role as a global arms control initiator having migrated from idealism to political realism.

This was indicative of the reality of its victory in the Pacific, its commitment to Europe, its interests to oppose communist expansion by the USSR, and its own nuclear arsenals. Despite the intense antagonism of the Cold War there was a concerted arms control effort by the two superpowers at nonproliferation of WMD from the haves -- an elite club of nuclear states -- to the have-nots, including all other states and non-state entities.[19] Globally, small states were dependant upon the superpowers for the supply of weapons, were ideologically proxy to them, and were intricately linked on economic and financial matters. America did not have to try hard to enforce nonproliferation during the Cold War given the rigidity of the bipolar system of arms control negotiations combined with the fear of mutually assured destruction by nuclear war. European states within NATO and the Warsaw Pact followed a diplomatic approach to nonproliferation dictated to by the two superpowers. Antagonistic non-state entities, be they ideological, religious, cult, criminal, or obstreperous, operated mainly within the territorial boundaries of their own states. The most prevalent examples were decolonisation and those proxies to the superpower rivalry in the overthrow of existing regimes. These characteristics of the world order led to an imposition on any small state from being rogue to the international arms control process dominated by the two superpowers and indeed on non-state entities from rising to prominence.

Given the Cold War system, the main role of America as a superpower has been in bilateral diplomacy with the USSR. This was typified by formal, legally binding arms control treaties or agreements as well as informal but not legally binding agreements.[20] Part and parcel of the American approach to arms control is the role of the president and the Senate and lack of a role of the House of Representatives. International treaties are negotiated in the name of the

president who signs them pending Senate approval. Style must be complemented by substance for presidents to survive the domestic democratic process yet it should not be supposed that the electorate is naïve. It would be patience and diplomacy hard learned that won the Cold War; that ended the Berlin Blockade; and, that brought about such agreements as the Austrian State Treaty, the Test Ban Treaty, the Treaty on Nuclear Nonproliferation, and the SALT and START agreements. By the final quarter of the twentieth century, most Americans were becoming reconciled to their country being permanently involved in world politics and arms control processes.

WHAT IS WAR?

War, as seen by the Cold War of the 20th century, does not necessarily entail death and destruction on the battlefield. War also entails the act by which one state changes the leadership or regime of another state, by diplomatic means or by economic pressures. War, as constructed by the doctrine of nuclear deterrence originally written by American strategists, may also be the threat of the use of force invoking fear that prevents the use of physical force to achieve the same objectives. Any arms control and disarmament process against the rogue states by diplomatic means, by the threat of force' and if need be by deployed military forces is by definition a war.

America having a democratically elected government, accountable to its population, and under constant global media critique, is well aware of the limitations of different arms control and disarmament means in dealing with proliferation and states aiming to acquire WMD. It is nevertheless understood that should these rogue states attain a deployable WMD capability, they would threaten local, regional, and global security. The Cold War has shown that a country's own population can be totally destroyed by escalation of a conflict to mutually assured destruction while an arms race can result in sufficient

WMD to destroy the entire planet. Thus, acquiring WMD capability forms a threat of notional terror for the sake of terror. This form of terror has evolved with warfare from the 19th century to the 21st century, since the international system level of state diplomacy has evolved from the balance of power in military capability, occasionally through alliances, to the balance of terror highlighted by the bipolar Cold War nuclear deterrence.[21] Acquisition by rogue states of WMD threatens the precarious post-Cold War world with its rise in radical sub-state and non-state terror. This terror by the rogue states has been well established through statements and actions threatening domestic, regional, or global security. This comes at a time when the Cold War adversaries are trying to reduce their arsenals from offensive/deterrent levels to more acceptable defensive levels.

Such terror invokes fear, not through the act of violence but through the implied capability, whether real or not, by rogue states who may imply their intent to attain WMD. It is the same fear that is the political discourse of sub-state and non-state terror perpetrators through media-generated potential scenarios and statistical possibilities and potentials of assumed capabilities. These actors have proven that in the eventuality of a single act of violence the dead would remain the dead. The wounded, physical and psychological, would live in fear of the next act of violence based upon their experiences of the previous act of violence and through continued rogue capabilities. The next act of violence may never happen, nor could capabilities ever be deployed, but the fear lives on. The use of nuclear weapons at the end of World War II has shown this. It is the mass media that creates a narrative of fear to those who have not been present at the act of violence. Time is a double-edged sword. The longer the time after an act of violence or the proliferation of capabilities heightens the fear that a next act of violence will occur. The longer the time after an act of violence, the

more paranoid a state's security forces become. In this terror can succeed -- in a single act of violence, or through capability -- in changing the texture of a society. America is aware that the true threat to democracy comes once it no longer fears the consequences of the processes of threat management. The Bush Doctrine has hinted at this by declaring the end to a policy of nuclear deterrence, pronouncing instead pre-emptive war and missile defence systems. It follows that the moral structure and principles of society can be diminished through techniques to enforce arms control and disarmament. This threatens the basis of democracy as vulnerability based military strategy replaces threat-based strategy. Rogue WMD capability can, through the threat of violence, change the foundations of society, domestically and internationally. The alternative to civilisation is anarchy should terror through capability become the new means of warfare. Hence, pursuit of WMD capability by states rogue to the international order, with or without a political intent, gives justification for the international community to declare a war of disarmament as a means to pre-empt the use of this WMD capability.

The means of doing so are arguable. In order to maintain a modicum of civility and not to stoop to a similar level of barbarism that is practiced by the rogue states, the use and threat of the unilateral use of American armed force for disarmament as a continuation of arms control policy can only be manifest in a finite number of options. Initially it is recognised for multilateral coercive diplomacy based in communication, rationality, and willingness to compromise. As seen in the cases of Iraq, North Korea, and Iran, diplomatic and economic arms control means and measures constitute the first steps being attempted via the established practises and use of such bodies as the United Nations over a prolonged period before the deployment of military force. Should such diplomacy of arms control fail to achieve

disarmament, then pre-emptive war has been voiced as a continuation of arms control policy to achieve the political objective of disarmament. Such a war, against the rogue states, would then be the first ever of its kind for America to wage unilaterally as a direct continuation of arms control policy against a foreign state to change its regime through disarmament though retaining its national sovereignty and existing borders. This would not be ideal given the lack of exit strategy for the American military, the problems of providing any new regime with legitimating its power into authority, and the potential for continual resistance from the previous regime's supporters leading perhaps to local and regional instability. There is no certainty that any new regime will embrace the international norms of arms control. Further, history has shown that promoting democracy after conflict has been rare and difficult.[22] In the long term a "Hague Style Convention on Proliferation" to introduce the international community of nations to a self-regulatory multipolar approach towards arms control and disarmament would seem to be prudent.

WAR AS A POLITICAL ACT OF ARMS CONTROL

Prudence, in the short term, may necessitate immediate and decisive military action. The rationale and justification is provided by the astute 19th century Prussian commentator Clausewitz who is, to be sure, often credited with formulating the truism that in war the military objective is to disarm the enemy while "war is an act of force to compel our adversary to do our will."[23] Clausewitz further wrote "in pure theory, we are bound to say that the political object of war really lies outside war's province"[24] and "war is nothing but the continuation of policy with other means."[25] The major premise, then, is that war can be a rational instrument and that what can make it rational is its political purpose—what gives war meaning is not and cannot be military. War is meaninglessness unless it has a purpose that lies outside itself,

nonetheless it is understood that in war there is no substitute for victory. Hence, pre-emptive war against the rogue states is nothing but the continuation of arms control policy with other means. Both the military and political objectives are the same: to disarm an adversary threatening international security. This matching political and military objective is the uniqueness of the war against the rogue states.

In particular, the political objective of the international community to force rogue states to adhere to the accepted international norms not to pursue the acquisition of weapons of mass destruction has clearly been spelled out as a case of counterproliferation by disarmament—to negate the radical politics and terror that such WMD capability inflicts. The military objective of war against the rogue states, as requested by democratic leaders, is to defeat them at minimum cost, ultimately to disarm them by destroying their armed forces or forcing them to surrender, and thereby to render them defenceless against the full imposition of the will of the international community—the will being arms control. The contemporary catalyst to use war as a political act of arms control was the September 11 terrorist attacks in America. American military and political planners took note of states rogue to international arms control on the basis of a new vulnerability strategy and not on the previous threat-based strategy that prevailed during the Cold War. Clearly, pre-emptive war such as enacted against Iraq (2003) was based on American vulnerability to deter and to defend against WMD rather than any specific threat posed by Iraq. These military planners saw the offence as the best means of the defence; a traditional and rarely disputed military strategy.

MILITARY MEANS TO AFFECT ARMS CONTROL

Such pre-emptive war, and indeed preventive war, is well established in history though its use, physical or psychological, to affect arms control and is in part indicative of technological innovation

due to the scale of intensity of capability and the geographical reach of WMD. From the end of the 19th to the start of the 21st century war has moved from being localised between neighbouring states to being global, from being prolonged in trenches to being near instantaneous by inter-continental ballistic missiles, from hand-to-hand to being nuclear, from industrial to cyber-based. The processes of such an evolution from local to global with technological changes, enhanced communication networks, and global proliferation has often being ascribed in literature as "globalisation," but rarely in the context of arms control. Such global reach and the ability of mass destruction have generated the fear of vulnerability.

This technology driven revolution in military affairs (RMA)[26] would not in itself justify a pre-emptive war to further an arms control process against the rogue states. It is the asymmetrical nexus between globalisation and radicalism at the crossroads with the proliferation of WMD technology with near instantaneous attack and no warning time that brings the possibility of the battlefield into the industrial and cyber homeland of democratic states and against the homes of civilians.[27] The radicalism is oppressive dictators of states knowing no rationality or ideology, non-state terrorist organisations not aiming to attain authority by supplanting existing state government, and sub-state actors such as warlords. This nexus provides the *casus belli* for pre-emptive war against the rogue states,[28] as it negates the doctrine of local defence that evolved from the inter-World War period that the aircraft bomber would always get through, and negates the doctrine of deterrence that arose from the Cold War that the missile would always get through.[29]

The doctrine of local defence is negated, as countries no longer face the threat of the aircraft bomber but the vulnerability posed to civilians by unstoppable suicide suitcase or truck bombers that carry WMD warfare into the urban homeland. Even passive defence is a

form of deterrence that shows an enemy that any attack can be absorbed without undue or substantial damage, thereby making an aggressor realize that its offense would be valueless. WMD warfare that can wipe out large metropolitan areas cannot easily be absorbed through air-raid shelters, by biological and chemical decontamination units, through individual gas masks whose filters need to be changed every few hours, or through inoculation by a cocktail of potentially hazardous vaccinations. Faced with these threats, pre-emptive war becomes a viable alternative option to local defence as a continuation of arms control policy.

The doctrine of Cold War nuclear deterrence that was forthrightly presented to the world as a substitute for local defence,[30] because it was considered less burdensome both financially and in terms of manpower and hence provided a surer way for America to fulfil its collective defence commitments, has similarly been negated. This is a dichotomous situation since the very strategy of the imperative necessity to provide a deterrent against a WMD attack upon America rested on the premise that no feasible local defence was readily available in a given timescale at a given price. Hence, America can no longer rely on this doctrine of nuclear deterrence that had two broad views contending in strategic thought. Both of these views have been negated, justifying pre-emptive war against states rogue to the international community that seek WMD capability.

The first view was a broad approach that contended that if peace was to be preserved then all mankind, in two blocs with nationalist ideological conflicts that perpetuated after the end of monastic dynasties in the early 20th century, had to be locked into permanent hostile confrontation of WMD forces poised for instant retaliation. The mutual terror of such arsenals would prevent the use by another. This view was based on symmetry, assuming that "they" think and act like

"we" with no room for radicalism or irrational acts, and hence has no value against rogue states. America no longer faces this bilateral Cold War situation of two opposing ideological blocs by the creation of multiple WMD situations by radical rogue states compounded by potential state sponsorship of non-state terror entities and individuals where the intent of the rogue states and the location of their WMD are not easily identifiable. Hence WMD proliferation by the rogue states reintroduces the relationship of "force vs. violence" since the use of force (military) cannot be deterred and can be followed by the radical use of violence.

The second view recognised that military strength and the threat of revenge had to be complemented by internationally agreed upon arms control policies to restrain and reduce WMD arsenals through nonproliferation and counterproliferation. It could only succeed so long as there was communication, and sometimes negotiation, for all sides to understand the value of what they were facing—mutually assured destruction. Rationality is not a prerequisite, though sensitivity to costs is essential even if these costs are no more than the life of the leader threatening world stability. Cold War nuclear deterrence-linked arms control is negated against rogue states with radical leadership since communication and negotiation to ensure that all sides understand the implications of the use or threat of physical force is almost non-existent. Further, in a post-September 11 terrorist environment the validity of deterrence being able to stop "the man with the suitcase nuclear bomb" is negated due to this lack of communication, and the lack of adequate safeguards to ensure that the weapons of mass destruction that they have procured will not fall into other hands or be launched by accident.

Hence, the overall decline of confidence in local defence against WMD and the Cold War nuclear deterrent against WMD would seem

to suggest that renewed emphasis on active defence, in some form, is inescapable. It has been known for a long time that this would eventually happen. An active defence against the rogue states is rapidly becoming manifest in the pre-emptive use of military force. For this to be successful the time factor is crucial in deliberating at which point the rogue states attain viable WMD capability, at which point any form of passive defence against such capability would not succeed, coercive diplomacy has failed as a measure of arms control, and it is clear that a military offense would be the best possible manner to achieve defence. In all instances there is notably a doctrinal evolution from the Cold War concepts of escalation to total war, proxy war, or local wars, and of containment

Integral to this doctrinal shift and to the steps prior to pre-emptive war is a refined version of containment. This is not the containment within state boundaries of armed forces, with buffer and satellite states associated with the arms control of Cold War deterrence. It is arms control through the containment of technology and the free movement of people. It is using intelligence sources and police services to inhibit the forces commonly known during the 1990s as "globalization." The free flow of information on a global level needs to be monitored and contained when posing a threat. Cyber interdiction is not virtual, it is physical—it is infrastructure disruption, it is data destruction in any form, whether kinetic or cyber. The free flow of technology, even the movement of students learning about technology in foreign universities, needs to be monitored and contained as part of an arms control process. The flow of goods, be they dual-purpose such as computers or sole-military use, needs to be contained with export controls. The free flow of people as tourists also needs to be monitored and contained. Since the September 11 attacks and the suicide bombings in Israel, Bali, and Kenya it is clear that the world can no longer assume that tourists

traveling freely on world airlines are not suicide terrorists. This is a new form of arms control by redefining what constitutes arms, threats, and vulnerability.

Integral to this doctrinal shift is also the notion of missile defence systems.[31] This was conceived when President Reagan spoke on 22 March 1983, urging US scientists "to turn their great talents to the cause of mankind and world peace: to give us the means of rendering . . . Nuclear weapons impotent and obsolete." This was arms control at its apex! [32] In the pre-emptive war against the rogue states, the first formative step towards a national missile defence system was taken on 13 December 2001 when President George W Bush officially announced that the US would withdraw from the 1972 Anti-Ballistic Missile treaty with Russia, stating "I have concluded the ABM treaty hinders our government's ability to develop ways to protect our people from future terrorist or rogue-state missile attacks."[33] This was despite the "man with the bomb in his suitcase is the real problem," having become one of the standard mantras of those opposing the development of ballistic missile defence. But to point to the existence of one problem is not to deny the existence of another similar problem since pre-emptive war against the rogue states would need some form of ability to defend against the occasional missile that might be launched. More important, if the rogue states are aware that America could defend against a limited missile attack then it might be deterred from considering launching such an attack.[34]

In this fashion missile defences will dictate the future of NATO. The main military purpose of NATO has been to provide an umbrella for European states. During the Cold War this was a nuclear umbrella. European states were able to disarm their conventional forces and open their borders to develop the European Union under this umbrella. In the future American missile defences could be able to provide a similar

umbrella for European states. If missile defences are successful then European states will not need to rearm to protect against external attack. NATO by the year 2020 may then have two members, the EU and NAFTA. The political purpose of NATO will be to protect trade routes, open borders, and prevent European rearmament. As during the Cold War, below this strategic level will be sub-strategic, i.e. mini-nuclear, forces and conventional forces. The conventional forces will be in the form of joint and combined rapid reaction forces for global deployment on such missions as peace-enforcement, humanitarian, and terrorist denial.

It is clear then that in the short term, pre-emptive war as a continuation of arms control is justified *jus ad bellum,* or else America will rue the consequences of its own weaknesses and vulnerabilities. It is war that America has never seen before since these weaknesses are not only a consequence of the negation of local defence and nuclear deterrence against rogue WMD capability, but also a continuum of the nature of American foreign policy. To this end, President George W. Bush on September 20, 2002, in the tone first advocated by Donald Rumsfeld, US defence secretary, in January 2002, set out a new military and foreign policy doctrine for America as it faced the uncertainties of terrorist threats and rogue states.[35] He noted that the American national security strategy advocated a policy of pre-emptive action as a form of self-defence suggesting "As a matter of common sense and self-defence, America will act against such emerging threats before they are fully formed."[36]

In this unilateral foreign policy by the world's sole hegemon, there is no doubt that American politicians should be wary of the ghost of Alexis de Tocqueville rising out of the graveyard reminding us that American democracy with institutional fragmentation and democratised policy constraints is a deridingly inferior system for making and

carrying out foreign policy.[37] It is well recognised that the Achilles heel of American foreign policy is widely believed to be the instability of public support for American policies. The superficiality and instability of public attitudes toward foreign affairs creates the danger of under- and over-reaction to changes in the world political situation. This unstable atmosphere surrounding American foreign policy makes anything more than a series of improvisations difficult to achieve. Perhaps George Washington was accurate in stating that "the Great rule of conduct for us in regard to foreign nations" should be "in extending our commercial relations to have with them as little political connection as possible."[38]

For the first time in American history, foreign policy is not a fluid interplay of kaleidoscopic forces and individuals, a continuum of peace, conflict, and crises. In the 21st century, foreign policy has become a specific activity designed to avert the vulnerability of WMD proliferation, by pre-emptive means, lest this proliferation slow down the march of economic and social progress. The disarmament of the rogue states has become a specific series of rescue operations and trouble avoidance with crises coping and threat management defining the task. No longer present is the hard-learned arms control patience of bilateral WMD capability that won the Cold War between nation-states based on opposing ideologies and the fear of a bipolar deterrent of mutual assured destruction. If the present administration is serious about its pronouncements on a "tough" foreign policy, a historic glance at the implications of "toughness" in war situations might prove sobering.[39] As the distinctions between conventional and unconventional war becomes more blurred with each year, America has to recognize the fact that revolutionary, guerrilla, terrorist, and pre-emptive war is a permanent feature of the strategic environment of the future.[40] To be sure, winning a conventional war against Iraq's WMD

program has left America facing a tougher guerrilla war in keeping the peace.

In such a strategic environment the use of military force, or pre-emptive warfare, *jus in bello* will be asymmetrical. Should pre-emptive war be necessary, then in the short term rapid deployment of forces is needed, as seen in the transformation policy announced with NATO enlargement at the Prague Summit in 2002. To this end most Americans are familiar with the popular wars of history, with the total mobilization of men, resources, and technology and the traditional American faith in quick military victory. Nevertheless the viability of the local political system in the rogue states may make or break even the most brilliantly devised tactical military response Washington can devise. America has a past of "other wars" over the last 300 years—those involving guerrilla war and terrorism—where the conventional use of armed force didn't work and where the military had to conduct unrewarding and brutal operations against civilian populations, often against the will of public opinion at home. Should such a situation prevail against rogue WMD capability, then America in the public view cannot use the same methods against radicals that radicals use against America and still claim to be a western liberal democracy. Maintaining western morals is hard pushed to achieve such an objective since America must be seen to use minimal military force and not violence against the rogue states.

To this end of asymmetrical warfare it has also been known for some time that the American armed forces are not necessarily the most suitable military means for WMD arms control. Intelligence agencies have known that they need to sift through large volumes of data to enable the viability of missile defence systems. Law enforcement agencies have similarly known that they are the best means of preventing the suicide bomber from getting through. This will suit a

long-term goal of arms control against the rogue states in denying them, through containment, the technology, weapons, and delivery systems. A consoling feature of this asymmetrical war is that the weapons needed for this type of combat show that defence is neither a leader nor a consumer of the latest technology. In fact defence production is a technology burden as it keeps open lines of obsolete technology such as computer chips in Patriot and Tomahawk systems. The military-industrial complex worries of the Cold War that threatened American democracy play no role in the war against the rogue states.

Long-term sustained victory against terrorists and rogue states that acquire WMD with no stated objective is thus to inflict massive psychological fear using minimal force and violence. In this fight it is understood that the power to hurt is not necessarily the power to win should brute force bypass the regulation of armaments. Rogue states and terrorists have to face a similar threat of violence but not the same actual use of violence to deter them from using violence. Nonetheless the American soldier knows that there is no absolute victor in battle but there is an absolute loser. It is understood if there can be no escape from the presence of terror then terror has to be respected lest both sides lose the fear of terror in which case barbarism or anarchy will supplant civilisation in the international community. This is surely the case in the removal of the Ba'ath Party and President Saddam Hussein from power in Iraq where the occupying American and British forces face daily attrition by local forces whilst political planners struggle in a Lennist fashion to impose a new political regime, create a new economic infrastructure, form a local police military force capable of maintaining law and order and defending Iraq's borders, and generally create a civil-society that will willingly accept these changes. The success of military victory is thus not measured in the success of

disarming an adversary but in the ability to prevent the adversary from rearming. The Versailles Treaty after World War I is a lesson learnt from history that the victor cannot always enforce this, and it may lead to even more devastating wars.

EUROPEAN ARMS CONTROL DIPLOMACY

The European approach to arms control processes contrasts with the American national style, the European being a legacy of a millennium of territorial, monarchical, and colonial wars. European arms control treaties, typified at the Versailles Treaty after World War I, have traditionally been in the aftermath of such wars to prevent future wars or atrocities. Agreements reached have traditionally been multilateral given the nature of the alliances and treaties that predominated during the conflicts and wars. Such agreements were usually negotiated at large diplomatic conventions requiring little if any consent or response from the electorate who were only too happy to be demobilised. Cold War arms control processes between the superpowers were not only unique in threat and tension reduction during a conflict, but also because European states became minor third parties in diplomatic negotiations. Further both superpowers infringed on European territorial integrity by progressively stationing large arsenals of men and equipment in European countries ostensibly for European defence. European states consented to this arms escalation on their soil given that this permitted them to reduce their own arsenals and investment.

Further, the nature of the fear of Cold War nuclear mutually assured destruction generated a unique reduction in European territorial wars. This situation also permitted Western Europe to progressively negotiate the sharing of resources and territory that had once been a cause of wars and form the European Union (EU) as a value- and not a state-based polity. This resulted in a natural arms control process given

that EU member states opened borders between each other. EU member states no longer needed standing armed forces to protect their sovereignty. Further, the enlargement of the EU into Eastern Europe after the Cold War has meant that progressively the majority of EU states have been able to abolish conscription, restructuring their armies to suit more extra-European tasks such as missions for the United Nations and humanitarian tasks.

In the post-Cold War period the diplomatic nature of the nonproliferation approach of each European state originates from unique historical legacies such as neutrality, non-alignment, federal subservience, dependence upon the NATO or Warsaw Pact strategic nuclear deterrence, or having its own triad of strategic nuclear, tactical nuclear, and conventional forces. Each state enters global arms control treaties on its considerations such as NPT, the Land Mine Treaty, BWC, and CWC. Similarly each state entertains its own identity and diplomatic process for specific European arms control treaties such as CFE. However, neighbouring states with their own identities form geopolitical sub-regional blocs overlapping organisationally for overall European arms control purposes in membership of the European Union, NATO, the OSCE, and others. Uniquely, the international standing of EU institutions offers potential for a dual approach in arms control diplomacy given the presence of both EU diplomats and sovereign state diplomats in many multilateral processes. Integral to the coalescence of this twin approach is the unanimity within the EU of a value-based polity with a civil-society model that places human rights at its centre. The development, formulation and implementation of EU arms control policies is the cognition to maintain a trans-Atlantic bridge to advance the successes of Cold War arms control and disarmament efforts in Europe.

21ST CENTURY WAR NONPROLIFERATION

In the 21st century the coalescence of American and EU arms control efforts focuses on two agendas. The first agenda stems from the demise of the predominant Cold War, statist-based arms control process. Certain former have-not states are seeking to procure weapons of mass destruction. These are rogue to the practise and participation in arms control diplomacy and adherence to the norms instilled and inferred in international treaties and agreements. There is also a rise of non-state entities (terrorists) that could be harboured by rogue states and that aim to procure weapons of mass destruction. Historically the concept is not new given that it is understood that the very existence of the state assumes that others will exercise force challenging the state's claim on the monopoly of legitimacy of force. Explicitly these are terrorists or dissidents. Implicitly these are criminals.[41] The Cold War was a unique period that held such phenomena at bay.

The 9/11 attacks functioned as the catalyst for the change of American nonproliferation policy towards vulnerability-based management against rogue states and non-state entities. The American approach to active counterproliferation by armed force in the 2003 Iraq war highlighted the trans-Atlantic discord as well as an intra-European rift that emerged. Resting on well-established and acceptable historical precedence, America as the sole hegemonic power considered it an obligation to use armed force for disarmament purposes given that nonproliferation processes had not met its goals. Such an approach was not avidly followed by European states who continued to view arms control as predominately resting on diplomatic negotiations premised on a threat-based policy to promote deterrence and self-regulatory disarmament. When America challenged the non-compliance of Iraq to United Nations Resolutions by a show of force, European states fell into the three groups: 1) limited support for American efforts (Spain

and the UK), 2) those firmly against (France), and 3) the somewhat indifferent (Ireland and Luxembourg). French and German diplomats went so far as to insist that counterproliferation is not acceptable as a NATO military strategy because they believed that American focus on retaliation and pre-emptive strikes could undermine diplomatic nonproliferation efforts.[42]

Given this, counterproliferation became primarily an American military doctrinal concept that knows no similarity in European states' policies. This was a unique divergence of diplomatic consensus on a specific event on the means to achieve an agreed international goal of preventing the proliferation of WMD. It differed from the normal trans-Atlantic consensus found in NATO forums throughout the Cold War and the broad consensus and unified action in Afghanistan (2001) given that the field of arms control is part of the NATO "acquis." In the aftermath of the Iraq War disagreement persists on how to enforce another rogue state, Iran, into compliance with the accepted norms of arms control of weapons of mass destruction. Javier Solana, the EU's foreign policy chief, made it clear that the EU and America had agreed Iran should not have nuclear weapons, the issue being how to make Iran comply. US Secretary of State Powell, believing that Iran had not gone far enough in agreeing to sign up to the additional protocol by the IAEA, called for punitive action.[43] The EU persisted on the diplomatic level, pressing that "those who are unwilling to do so should understand that there is a price to be paid, including in their relationship with the EU."[44]

There is no doubt that in the longer term the hegemonic power needs to offer concessions to prevent overstretch by way of supporting multilateral diplomatic processes. These could take the form of global convention for regulation, verification, and disarmament. President Bush took the first step toward such give-and-take diplomacy when he

proposed the Proliferation Security Initiative (PSI) in May 2003 in Poland. America and ten other close European allies and friends agreed to seek to combat proliferation by developing new means to disrupt WMD trafficking at sea, in the air, and on land. By September 2003 more than 50 countries signalled that they support the PSI including its "Statement of Interdiction Principles" and were ready to participate in maritime interdiction operations in both the Mediterranean and the western Pacific Ocean, two areas that are particularly prone to proliferation trafficking.[45] The United Kingdom hosted the first PSI air interception training session, a table-top exercise to explore operational issues arising from intercepting proliferation traffic in the air. In mid-October, Spain hosted the second maritime exercise, this one in the western Mediterranean Sea. Finally, France recently hosted a third maritime exercise in the Mediterranean Sea. The long-term objective is to create a web of counterproliferation partnerships through which proliferators will have difficulty carrying out their trade in WMD and missile-related technology.[46] Other US initiatives to prevent proliferation include the G-8 Global Partnership (initiated in June 2002 at the Kananaskis Summit), the Dangerous Materials Initiative, and HEU (highly enriched uranium) Minimization.

The second agenda of 21st century coalescence of American and EU arms control efforts stems from residual bilateral Cold War arms control processes that still persist. Protracted statist diplomatic negotiations are considered not worth the effort even though the nuclear threat is anything but over. Neither America nor Russia has the stomach for another Cold War-style, 500-page treaty like START I. The new model is the 2002 Moscow Treaty—a simple three-page commitment to reduction.[47] This has furthered the establishment of a NATO-Russia Council whose mere existence was to thicken up the web of arms control commitments in Northern and Eastern Europe.

Russia appears to be committed to this given the numerous attempts that Russian President Vladimir Putin has taken to urge the Russian parliament to ratify the key nuclear arms reduction treaty with America, the Strategic Offensive Reductions Treaty (SORT), that renders Start II (1993) redundant.[48] Essentially, the technology of monitoring and verification has made these types of agreement more viable. There are now many means of knowing what is going on inside the nuclear arsenals of the other countries.[49]

Further efforts on the European continent aim for arms control efforts to be comparable with continuance of the EU and NATO and their respective enlargement processes. Examples of where America and European states participate together in arms control diplomacy toward this goal include (1) through the OSCE, the implementation and adaptation of the CFE, (2) various pan-European arms control agreements such as "The Vienna Document on Confidence and Security-Building Measures (1999)," and (3) the sub-regional agreements such as the "Joint Declaration and Document on Confidence and Security-Building Measures in the Naval Field in the Black Sea (2002)," "Agreement on Sub-Regional Arms Control concerning Yugoslavia (Serbia and Montenegro), Bosnia and Herzegovina and its entities the Federation of Bosnia and Herzegovina and the Republika Srpska, and Croatia ('Florence Agreement,' 1996)," and the "Agreement on Confidence and Security-Building Measures in Bosnia and Herzegovina (1996)."

THE CFE TREATY

Diplomacy towards renegotiation of Conventional Forces in Europe Treaty (CFE) has been seen to be the most crucial of all treaties for immediate European nonproliferation requirements to ensure European stability. America saw the Cold War CFE Treaty as ineffectual given that it cannot prevent the local wars that crop up on

the European strategic landscape. A prime example was the local Balkan demagogues violating international law and human rights and the international community of NATO and its partners trying to stop them. America suggested that a more approachable format for nonproliferation would be to negotiate a new pan-European CFE to keep European arsenals small enough so that the only conflicts that could emerge would remain below the threshold of NATO's ability to manage them. Specifically, this would mean that nonproliferation should become an active crisis management instrument in addition to its traditional dialogue role given that most of the crises that await in and around Europe today result from particularism.[50] Following this line America proposed that CFE should become a tool for compliance moving in the direction of disarmament.

European states opposed such proposals, considering America as confusing CFE with attributes typified by the American-led Dayton Accords. These were a complex, balanced package of political and military arrangements reflecting a delicate compromise among the involved parties for a specific peace plan in the Balkans. They entailed implementation of confidence and security building measures (CSBMs) and the arms control arrangements for Bosnia-Herzegovina and its two neighbours.[51] European states saw CFE as aimed at the whole of the European continent.[52] Clearly the European states' position stemmed from their lack of military and political capability to move outside the realm of mediation and negotiation in arms control and into active enforcement.[53]

As an interim measure, the CFE negotiations in 1999 produced a compromise treaty signed by 30 nations on conventional arms control for Europe. It set limits on an individual national basis instead of the Cold War bloc-to-bloc totals determined in the previous 1990 document. Further NATO, at the 2002 Prague Summit, attempted to

bridge the trans-Atlantic divide by establishing collaborative security norms and associated arms control efforts with 43 countries in the Partnership for Peace and 40 in the Euro-Atlantic Partnership Council.[54] When NATO enlarged with new members from Eastern and Central Europe, it adapted relations with Russia and the Ukraine, simultaneously offering a refined ability towards joint and collaborative military activities with new military command structure and committees. Further attempts to bridge the trans-Atlantic divide consisted of negotiations towards a European Security Charter setting out the principles and role of the OSCE for the 21st century; a unified European arms control regime with restrictive regulations on armament exports to improve the control of the transfer of conventional armaments.

The new CFE Treaty combined with the enlarged NATO shows that at the institutional level national verification organizations are empowered to be responsible for the implementation of conventional arms control agreements on European territory. This will generate greater EU cohesion since there will be a greater need for coordination of verification missions between countries to establish priorities, objectives, and procedures. Such cohesion is aimed at confidence building towards establishing a more co-operative European Security and Defence Policy. Such European cohesion is also seen as essential for dealing with non-state entities as noted in a European Commission paper stating "A more cohesive Union, speaking with one voice or singing from the same hymn sheet, will be better placed to counter such tendencies."[55] Following this line, a targeted initiative has been launched exploring "the implications of the terrorist threat on the nonproliferation, disarmament and arms control policy of the EU."[56]

CSFP/ESDP

In implementing these steps on conventional forces, the European Union has moved towards speaking with one voice on other aspects of nonproliferation based on the legacy of Cold War arms control regimes pertaining to nuclear, biological, and chemical weapons.[57] Indicative of this is the emerging trend of a common stance amongst all European Union states on security, defence, and foreign affairs. This is but one prominent step towards a Common Security and Foreign Policy (CSFP), with a subordinate European Security and Defence Policy (ESDP) operationalized in a European Rapid Reaction Force.[58] The goals of ESDP/CSFP extend toward strengthening WMD arms control norms at global levels and for development of measures to implement these norms as principles, led by Britain, France, and Germany. Such progressive strengthening of opinions and voices towards affirmative action stemmed from the constitutional development marked by the Treaties of Maastricht, Amsterdam, and Nice. The 1992 Treaty of Maastricht established the CFSP that included questions related to the security of the Union, bringing disarmament and nonproliferation firmly within the scope of constitutional development. The subsequent Treaties of Amsterdam (1997) and Nice (2001) have elaborated upon the CFSP provisions of Maastricht.

Part and parcel of CSFP/ESDP is the EU Code of Conduct on Arms Exports (1998), first voiced in the OSCE then established by agreement of the Foreign Affairs Ministers of the European Union and adopted as a Council Declaration.[59] This Code sets out a unified European arms control regime with restrictive regulations on armament exports to improve the control of the transfer of conventional armaments.[60] There was also agreement on the need for a more harmonised system of end-use data provision, certification, and enforcement.[61] Later the EU Council adopted a regime in June 2000

which controlled the export not only of tangible items but also of intangible technologies.[62] By September 2001, the European Treaty Article 3 and Article 11 were codified, making the Common Commercial Policy consistent with CSFP. In practise this means that legislatively the export of any form of weapon or related equipment becomes a commercial activity needing to adhere to the Code of Conduct on Arms Exports. In effect, this strengthened the Code of Conduct so that exports of military, paramilitary, and security equipment would be denied in circumstances where they might contribute to gross human rights abuses. During the debate it was noted that the EU regretted that so far America had not adopted its own code of conduct on arms exports.[63]

The Treaty of Amsterdam specified that the European Council adopt Common Strategies (geographic or thematic) in areas where member states have important interests in common. CBW disarmament and nonproliferation has been designated the first thematic area.[64] An example of success on nonproliferation has been the provision of EU financial assistance for the destruction of chemical weapons in Russia.[65] Considering the proximity of Russia to the EU and the environmental threats posed to the EU by the Russian nuclear complex such as the Chernobyl accident (1986), this priority is understandable. Implementation came as part of The Common Strategy on Russia (4 June 1999).[66] Based on Objective Three of this Strategy the European Council in December 1999 adopted a Joint Action.[67] This Joint Action established a "European Union Cooperation Programme for Nonproliferation and Disarmament in the Russian Federation." This has complemented American efforts to help Russia.[68]

Further on this line, internal EU diplomacy on nuclear matters is rigid given that all members are signatory to the NPT. Verification and

monitoring is simplified given that the EU has, since its inception, been involved in control and regulation of nuclear material. All European Union states are automatically members of EURATOM, established in 1957. EURATOM procures all nuclear material and enforces safeguards with inspections of all nuclear-related matters, civil and military, in the EU—not the IAEA.[69] In 2004 there are no nuclear reactors under construction in the EU. Fourteen of the fifteen EU states have rejected any growth in civil nuclear capacity. Only Britain and France are declared nuclear weapon states, while reducing their arsenals, and no other EU state is seeking military nuclear capability. Seven EU states do not have nuclear power and four more have the political objective of phasing out nuclear power programs.

In addition to nuclear matters and being signatories to the NPT, all EU member states are members of the CWC and BWC, as well as the 1925 Geneva Protocol, except Slovenia which has not yet joined the Geneva Protocol.[70] Both America and involved European states agree that a verification regime to augment the Biological Weapons Convention, similar to that used in the CWC, would contribute significantly to countering the threat of biological weapons. To be sure, EU member states coordinated positions during the 5th Biological Weapons Convention Review Conference.[71] Despite this consensus there are inherent limitations even though the EU Presidency has been very active in diplomatic activities.[72] The EU is not recognised, by law, as a state; although it is an actor in disarmament and nonproliferation it does not possess signatory rights.[73]

Looking towards the future, Belgium commissioned a strategic reflection in 2003 on Europe's security policy, and its findings tend to echo overall EU member states consensus on nonproliferation.[74] The Belgian study suggests that the EU promote accession to and

verification of the key multilateral agreements on nonproliferation, arms control, and disarmament. In particular, it calls for

> 1) establishing a UN Counterproliferation Committee under the Security Council to monitor compliance with relevant agreements and resolutions and to coordinate, if need be, the different UN, regional and national bodies;
>
> 2) strengthening the verification and enforcement mechanisms of the Biological and Toxin Weapons Convention;
>
> 3) strengthening the inspection regime under the Non Proliferation Treaty;
>
> 4) enacting legal instruments that would empower the International Atomic Energy Agency to verify compliance and render the organisation less dependent on the member states; and
>
> 5) increasing efforts in the field of export controls, both within the European Union and in cooperation with partners such as America, to prevent dangerous materials from falling into the wrong hands.

This would entail undertaking effective measures in the direction of nuclear disarmament, notably by banning testing and production of nuclear materials with a military application and by resuming the efforts to create regional zones free of weapons of mass destruction, especially in the Middle East.[75] The Belgian study indicates that enlargement (EU widening) will have ever greater significance on the dynamics of arms control given the internal debate (EU deepening) on peace, security building, foreign affairs, and defence.

ROGUE STATES

President George W. Bush, in the January 2002State of the Union speech, described Iran, Iraq, and North Korea as an "axis of evil" and accused these states of seeking to acquire and develop weapons of mass destruction, namely nuclear, chemical, and biological weapons.[76] Further, Under Secretary of State John Bolton said that Cuba, Libya, and Syria could be grouped with these, classifying all as "rogue states."[77] In doing so, the alleged acquisition, without any stated intent,

of such WMD weapons and delivery systems was designated a threat to local, regional, and global stability and security given the terror and fear they invoked. The ensuing policy agenda and process of arms control (nonproliferation) and disarmament (counterproliferation) had as its basis the vulnerability management of these capabilities, given the refusal of the labeled rogue states to accept the international norms of recognized arms control practices of diplomacy, international negotiation, compliance, regulation, transparency, and verification as dictated by the world's sole hegemonic power, the United States of America.

One may be able to accuse President George W. Bush of many things, but inventing the term "rogue state" would not come to mind. A paper, entitled '"Rogue' States and International Relations," presented by Paul D. Hoyt of West Virginia University at the International Studies Association 40th Annual Convention in Washington, DC, February 16–20, 1999, provides a comprehensive study on "rogue" and "pariah" states mentioned in US Government documents since May 1993.[78] It found that after the end of the Cold War, Washington was looking at what new challenges might emerge to the interests of the United States and its allies and defined "rogue or pariah states" as being one such threat. Hoyt further quotes National Security Advisor Sandy Berger placing terrorists in the same category as rogue states: "What if they and the rogue states that sponsor them try to attack the critical computer systems that drive our society? What if they seek to use chemical, biological, even nuclear weapons?"[79] Hoyt's work rests on a review of literature that argues that rogue state doctrine was being written upon already in 1995.[80] Indeed, the notion of rogue did not rest solely with intellectuals and advisors—evidence was heard by the Committee on International Relations in the House of Representatives on March 25, 1999.[81]

The facts of each rogue state need not be addressed specifically, given that the crux of the situation is a policy agenda issue, a perceived vulnerability issue, and a security approach issue. Hence, and despite the cognitive perceptions of the political elites, the urgency for international security action rests on a clear military case that should any state attain WMD capability or even delivery systems such as inter-continental ballistic missiles, then America and her allies will rue the consequences of their weaknesses and vulnerability in local defences and in deterrent. It is clear that there is a consensus to the ends that will befall states rogue to the international norms of WMD proliferation. It is the means to such ends that remain arguable between America and Europe.

To be sure, research shows that the concept of rogue states and irregular warfare transcends history from the birth of the American state including Sheridan's rampages through the Shenandoah Valley; the Seminole War west of Arkansas; the Philippine Insurrection 1899-1902; the "punitive expedition" of 1916 by General John J. Pershing against the Mexican guerrillas led by Pancho Villa; in Haiti against the "cacos" 1918-1921; in the Dominican Republic, 1916-1924; and in Nicaragua until 1933.[82] In 21st century international relations, rogue states tend to have similar characteristics. They are usually developing countries, essentially hostile to international society, suspected of pursuing weapons of mass destruction and missile programmes, and probably also sponsoring terrorism. They are not inclined to enter diplomatic interactions or normative behavior to attempt to ameliorate tensions, they refuse to ratify important treaties, they ignore UN resolutions, and they tend to violate human rights with impunity.[83]

The philosophy of "international society and realism" places the responsibility on the hegemonic power, America, to utilize all means at its disposal to act on behalf of international society.[84] It is felt that

should the international society of nonproliferation collapse, then anarchy and barbarism might ensue in the proliferation and use of weapons of mass destruction. The nature of such warfare is asymmetrical and ascribed to information age warfare.[85] President Clinton highlighted America's responsibility to international society in clarifying "We must face them together because no one can defeat them alone."[86] Clinton further emphasised that "In the next century, the community of nations may see more and more the very kind of threat Iraq poses now: a rogue state with weapons of mass destruction, ready to use them or provide them to terrorists, drug traffickers, or organized criminals."[87]

Following Clinton's line, a thoughtful but one-side approach to rogue states, international society, and realism was undertaken by Barry Rubin when writing in MERIA in September 1999. He suggested that a rogue state requires special treatment and high levels of international pressure in order to prevent it from wrecking international order, setting off wars, and subverting whole areas of the world.[88] Significant, but not mentioned by Rubin's thoughtful approach to international behaviour, is the description of states opposing rogue states. The mere existence of rogue states presupposes the notion that there must also be "enlightened states." Such enlightenment rests on international diplomatic norms of arms control regimes. Rogue states threaten the reduction of state-based regulatory utility and globalisation and in doing so threaten civil society more than states.

Two years later President George W. Bush designated Iran, Iraq, and North Korea as an "axis of evil" in his State of the Union speech while invoking a "war on terror."[89] Further, after grouping Cuba, Libya, and Syria with them as "rogue states,"[90] Under Secretary of State Bolton informed Congress "We aim ultimately not just to prevent the spread of WMD, but also to eliminate or 'roll back' such weapons

from rogue states and terrorist groups that already possess them or are close to doing so."[91] To be sure Bush's actions question whether America has adopted the role of world policeman on behalf of the international society of nations. On analysis of the lead-in to the 2003Iraq war, it has been revealed the word "allies" or the notion of "international community" was used in 100% of statements coming from various American government agencies on actions that might be taken against rogue states.[92] One notable instance was John R. Bolton: "American concern was not the imminence of Saddam's threat, but the very existence of his regime, given its heinous and undeniable record, capabilities, intentions, and longstanding defiance of the international community."[93]

Having found the commonality and historical progression, it is also paramount to differentiate between the Clinton and the Bush references to rogue states. This is to grasp the difference between the regimes of international society and realism in the use of armed force. The difficulty in choice was succinctly given by a State Department official when stating "rogue states make for a good sound-bite but not for good policy."[94] Clinton, in the immediacy after the Cold War, aimed for nonproliferation of rogue states assuming that it was possible to entertain statist diplomatic negotiations with these states in a fashion as that undertaken with Warsaw Pact states during the Cold War. Such nonproliferation diplomacy clearly did not work while 9/11 acted as a catalyst for Bush to take on a vulnerability perception and deterministic reaction. America under Bush turned to pro-active counterproliferation of rogue states as seen in the 2003war against Iraq. Following this has been a turn to multilaterism through the Proliferation Security Initiative aimed at broadening international cooperation in interdicting shipments of WMD and missile-related equipment and technologies. Even French President Jacques Chirac conceded that state sponsors represent a key

impediment to the international campaign against terrorism while diplomacy is not adequate to handle rogue states,[95] and he has targeted the French [nuclear] capacity on "rogue states".[96]

The successes of these trends of the threat and use of armed force (realism) on behalf of international society come in the wake of the 2003 Iraq war. White House spokesman Ari Fleischer has warned "it's important for Syria to recognize that not only is it . . . the wise way to conduct diplomacy, but also . . . a way of sending a message to the people of a newly liberated Iraq."[97] Further, Libya has set a superlative example following nine months of secret negotiation. Libya has publicly acquiesced to relinquishing the intent to manufacture nuclear devices and opened its borders to IAEA inspections.[98]

A six-page joint report from National Security Adviser Condoleezza Rice and Homeland Security Director Tom Ridge enshrines the Bush initiatives, highlighting the linkages between international society and realism on the case of rogue states. The report states "The United States will continue to make clear that it reserves the right to respond with overwhelming force—including through resort to all of our options—to the use of weapons of mass destruction against the United States, our forces abroad, and friends and allies."[99] The report offered a strategy that was composed of three pillars: counterproliferation, nonproliferation, and preparation. This report also indicates the move from Clinton to Bush given that the previous such statement of US policy was issued in 1993 but did not include an emphasis on nonproliferation or preparedness at home.[100]

Given this, a reflection of the war against the rogue states shows the unique unified singular military and political objective of the war being disarmament as a continuation of arms control policy that necessitates a regime change. In the short term the change in the administrative regime of each and every state rogue to the acceptable

international order of acquisition/procurement of weapons is decided on a case-by-case basis. The failure of thirteen years of diplomatic activity provoked America into pre-emptive war with Iraq. Diplomatic activity is ensuing with Iran and North Korea. It is recognized that the new regimes within these states do not have to be democratic; they must simply adhere to acceptable norms of international consensus on arms control and disarmament. In the longer term, this regime change is the international security regime regulating arms flows and arms control.

In light of this, the lessons of history have shown that any and all stages in the world order of states rogue to international consensus on WMD capability needs viable forms of arms control and disarmament. There is practicality and realism in this since well known from history are the dangers of international agreements that have failed to prevent countries from obtaining weapons of mass destruction. If new international regimes do not materialize for arms control, then the unilateral threat of pre-emptive and/or preventive war might become an integral approach to disarmament through the functional activity of the sole hegemonic power, the United States of America. Such a threat is a form of deterrence since strong American forces ready to deploy might be powerful enough to dissuade potential adversaries from pursuing a WMD capability buildup in hope of surpassing, or equalling, the power of America. An alternative to this form of international security would be a multilateral approach through the international community of nations apparent in United Nations debates concerned with issues of proliferation. This could be manifest in a Hague-style Convention to agree *inter alia* on the international supply of arms and the containment of the globalization of dual-use technology. Inherent to such multipolarity and international consensus would be to instill a self-regularity approach for all states to reflect on foreign policy objectives

of arms trade. Of due concern will no doubt be the global market of second-hand weapons since states that wish to acquire WMD capability have discovered that money can buy virtually anything.

CONCLUSION

America as a hegemonic power is not facing anything conceptually new in arms control and disarmament that has not been experienced by other historical hegemonic powers, such as the European Great Powers. So one might then ask "so what?" or "why does it matter?" to consider the different approaches between America and Europe. The answer comes in three parts. First, the uniqueness of the current iteration of "rogue states" is the intensity of the weaponry (WMD) and its potential global reach where there is no longer a Cold War bipolar deterrent situation in international security. Second, the global situation indicates a watershed in American foreign policy. Though the path chosen does not differ radically compared to previous Great Powers, namely war, the potential adversaries facing America are not necessarily sovereign states that follow the same basic political-economic premises. Negotiations and diplomatic activity are strained and limited in their expected success. The potential adversaries constitute irrational leaders proven to have used WMD on their own populations (Iraq), against neighbouring states (Iran-Iraq), and provide implicit support to terrorist organizations that show no constraints in the terror they perpetrate (Iran, Iraq, Syria and Libya). The nexus between technology and radicalism may necessitate arms control to discount most nonproliferation treaties in favour of a doctrine of counterproliferation, a reference to everything from missile defence to forcibly dismantling weapons or their components. Third, given this, America is flexing its hegemonic might in pre-emptive war based on a vulnerability perception emanating from the 9/11 attacks rather than any specific threat-based issue.

In conclusion it is clear that the European approach to nonproliferation does not differ from the American approach despite fundamental differences on counterproliferation, especially in the use of pre-emptive armed force. Nonproliferation diplomacy is at a watershed of a new world order that consists simultaneously of Cold War foes that are now self-regulatory and rogue states and not-state entities that portray no rational acceptance to self-regulation, do not participate in diplomacy, and do not adhere to norms of international arms control regimes. One way to bridge the oceanic gap is to increase diplomacy—talking and negotiating tends towards transparency in finding solutions. As declared by Prime Minister Margaret Thatcher before the United Nations in 1982, "Wars are caused not by armaments but by the ambitions of aggressors."[101] America must consider advocating and indeed leading more efforts that comprise multinational regimes of regulation, verification, and compliance. The Proliferation Security Initiative is clearly the first success of such efforts.

Nonproliferation diplomacy does not function in a void. It is part of a greater cooperative security process. Hence a deliberation of whether American and European arms control approaches differ rests upon cooperation or discord in other areas of defence, security, and foreign affairs bilaterally or in collective organizations such as NATO.[102] Looking forward to the next twenty years indicates that EU states individually and collectively will likely be involved in a mix of bilateral, small-group multilateral, and large-group multilateral diplomatic activities. It is most likely that a common arms control position will eventually migrate towards a single-player European Union giving America a strong ally and partner in nonproliferation diplomacy. There remains a predominant position for statist arms control diplomacy.

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