

Undermining the Nuclear Non-Proliferation Treaty

It Didn't Start With the Bush Administration

By Stephen Zunes | June 8, 2005

Most of the international community and arms control advocates here in the United States have correctly blamed the Bush administration for the failure of the recently-completed review conference of the Nuclear Non-Proliferation Treaty. In the course of the four-week meeting of representatives of the 188 countries which have signed and ratified the treaty, the United States refused to uphold its previous arms control pledges, blocked consideration of the establishment of a nuclear-free zone in the Middle East, refused to rule out U.S. nuclear attacks against non-nuclear states, and demanded that Iran and North Korea—but not U.S. allies like Israel, Pakistan, and India—be singled out for UN sanctions for their nuclear programs. Thomas Graham, who served as a U.S. envoy to disarmament talks in the Clinton administration noted that the Bush administration's demands resulted in what appears to be “the most acute failure in the treaty's history.”¹

However, though the Bush administration may have brought U.S. non-proliferation policy to new lows, the seeds of this defeat were planted way back.

Non-proliferation: Some History

The 1954 Atomic Energy Act allowed the United States to engage in the widespread dissemination of nuclear reactors and fuel to other countries, with certain safeguards to supposedly prevent them from being used to make nuclear weapons. Largely a government subsidy for the nuclear power industry, the so-called Atoms for Peace program grossly overestimated the economic benefits of nuclear power and underestimated its environmental dangers as well as the risks of weapons proliferation. In subsequent decades, recipients of American nuclear technology included such nascent nuclear weapons states as Israel, Iran, India, and South Africa. By 1968, these risks were apparent enough that the international community attempted to create a nonproliferation regime through the Non-Proliferation Treaty.

While publicly endorsing the treaty, President Richard Nixon in fact undermined it with National Security Decision Memorandum No. 6, which stated that “there should be no efforts by the United States to pressure other nations ... to follow suit. ... The

government, in its public posture, should reflect a tone of optimism that other countries will sign or ratify, while clearly disassociating itself [in private] from any plan to bring pressure on these countries to sign or ratify.”²

Though the Carter administration showed some initial signs of concern over the spread of nuclear weapons beyond the two Cold War arsenals, it took little concrete action. Under Carter, the U.S. increased its transfer of civilian nuclear technology to Third World countries, despite increased evidence of the lack of adequate safeguards. Carter's National Security Adviser Zbigniew Brzezinski was not an enthusiastic supporter of non-proliferation efforts.³ The administration dramatically increased the development of new American nuclear weapons systems and refused to formally submit the SALT II treaty to the Senate for ratification, allowing Third World countries to correctly observe that the United States was not living up to its own commitment to the NPT as an existing nuclear power to engage in serious efforts to negotiate nuclear disarmament.

The Reagan administration discontinued Carter's half-hearted non-proliferation efforts, lifting the ban on the export of plutonium, and adding dangerously destabilizing counterforce weapons systems.



Foreign Policy In Focus (FPiF)

www.fpiif.org
A Think Tank Without Walls

The end of the Cold War allowed the senior Bush administration and the Clinton administration to reduce some of the United States' own nuclear weapons arsenal. At the same time these post-Cold War administrations became focused on the prospects of radical Third World regimes developing their own nuclear weapons and contemplated possible unilateral military actions in response.

U.S. Policy toward Emerging Nuclear Powers

India successfully tested a nuclear device in 1974 and subsequently developed short- and long-range nuclear-capable missile systems. The United States delivered a mild rebuke.

But, with the exception of a belated embargo against the Indian Space Research Organization, there was never much pressure until the Clinton administration supported tougher sanctions following a series of nuclear tests in 1998. Those sanctions were repealed by President George W. Bush with bipartisan

Congressional support in 2001 when India—along with its historic rival Pakistan—was deemed to be an ally in the “War on Terrorism.” Throughout the 1980s, the Reagan and the senior Bush administrations formally denied that Pakistan was engaging in nuclear weapons development despite overwhelming evidence to the contrary. In addition, the United States was supplying Pakistan with F-16 aircraft even as nuclear analysts concluded that Pakistan would likely use these fighter planes as its primary delivery system for its nuclear arsenal.⁴ Publicly acknowledging what virtually every authority on nuclear proliferation knew about Pakistan's nuclear capability would require the United States to cut off aid to Pakistan, as required by U.S. laws designed to enforce the non-proliferation regime. However, Pakistan was the vehicle through which the United States supplied radical Islamic opponents of

the Soviet-backed regime in Afghanistan, and a cut-off of aid to the Zia al-Huq dictatorship could have jeopardized Reagan's Afghan policy. The annual certification of Pakistan's supposed non-nuclear status was halted only in 1990, when the Soviet-backed Afghan regime was finally collapsing. However, the senior Bush administration insisted that the cut-off of aid did not include military sales, so the transfer of spare parts for the nuclear-capable F-16s aircraft to Pakistan continued. President Clinton finally imposed sanctions when Pakistan engaged in a series of nuclear weapons tests in 1998. But that too was repealed by Congress and the Bush administration three years later.

With respect to apartheid South Africa, the Carter administration publicly accepted the regime's denial that it was planning a nuclear test in the Kalahari Desert when both Soviet and American satellite reconnaissance revealed clear evidence that such a plan was in process in August 1977. The two superpowers did apply strong pressure against South Africa to get the test

canceled. When the South Africans did explode a nuclear device over the Indian Ocean in September 1979, the Carter administration scrambled to hide the satellite evidence from the American public, particularly when Israeli involvement became apparent. U.S. law and Carter's public commitment to non-proliferation would have forced him to impose sanctions against these two pro-Western states, had the evidence become public. Seymour Hersh has quoted a top Carter administration official as saying “There was a very immediate strategic imperative to make this thing go away. Our capturing it fortuitously was an embarrassment, a big political problem, and there were a lot of people who wanted to obscure the event.”⁵ As a result, when the initial cover-up failed, the Carter administration both denied that such a

Throughout the 1980s, the Reagan and the senior Bush administrations formally denied that Pakistan was engaging in nuclear weapons development despite overwhelming evidence to the contrary.

test had taken place and then formed a commission to complete the whitewash a few months later.

The most obvious case of American protection of nuclear weapons development by its allies is Israel. Israel has long stated that it would not be the first to introduce nuclear weapons into the Middle East, which is technically true, since U.S. planes and warships began bringing nuclear weapons into the region back in the 1950s. Israel is generally believed to have become a nuclear power by 1969. The Israeli nuclear program was privately endorsed by the newly-elected President Nixon and his chief foreign policy adviser, Kissinger. They immediately ended the regular, if inconsequential, U.S.

inspections of Israeli's Dimona nuclear center. (Indeed, President Lyndon Johnson demonstrated his lack of concern over the prospects of Israel becoming a nuclear power by rejecting calls that one of the early major weapons sales to Israel be conditioned on Israel signing the NPT.) The Nixon administration went to great lengths to keep nuclear issues out of any talks on the Middle

East. Information on Israeli nuclear capabilities was routinely suppressed; the United States even supplied Israel with krytrons and supercomputers which were bound for the Israeli nuclear program.⁶

The Carter administration, which took the nuclear proliferation issue somewhat more seriously than the administrations that preceded and followed it, did not publicly raise the issue of Israel's development of nuclear weaponry, either. Even when satellite footage of the aborted nuclear test in South Africa's Kalahari desert gave evidence of the large-scale presence of Israeli personnel at the test site, the Carter administration kept it quiet,⁷ just as they did with the successful test in the Indian Ocean two years later. According to Joseph Nye, Deputy Under Secretary of

State, the Carter administration considered the Israeli bomb a low priority.⁸

The Reagan administration made an effort to keep information on Israel's nuclear capability from the State Department and other government agencies which might have concerns over nuclear proliferation issues.⁹ Meanwhile, Congress had made it clear to the Nuclear Regulatory Commission and other responsible parties that they did not want to have anything revealed in an open hearing related to Israel's nuclear capability. While most restrictions against foreign aid to new nuclear states had been written so as to exempt Israel, a public acknowledgment might still

have jeopardized U.S. economic and military assistance. Outside of Washington, top Israeli nuclear scientists had open access to American institutions and many top American nuclear scientists had extended visits with their counterparts in Israel, in what has been called "informational promiscuity" in the seepage of nuclear intelligence.¹⁰ In addition, given the enormous costs of any nuclear program of the

magnitude of Israel's, it would have been very difficult to develop such a large and advanced arsenal (now estimated at up to 200 weapons¹¹ with sophisticated medium-range missiles) without the tens of billions of dollars of direct and unrestricted American financial support to the Israeli government prior to the current administration; in effect, the United States has subsidized nuclear proliferation in the Middle East.

Support for Unilateral Military Action

The Bush administration has taken the unprecedented step of making the option of preventive war a centerpiece of its national security strategy. Yet the belief that it is legitimate for the United States or an ally to maintain its regional nuclear monopoly

The Carter administration, which took the nuclear proliferation issue somewhat more seriously than the administrations that preceded and followed it, did not publicly raise the issue of Israel's development of nuclear weaponry, either.

through force support pre-dates the current Bush administration. The Israeli attack on Iraq's Osirak reactor in 1981 was made possible only by the U.S. decision to supply Israel with high-resolution photographs of Iraq from the KH-11 satellite, data to which no other nation was allowed access, as well as through U.S.-supplied F-16 fighter planes. Though the United States publicly condemned the bombing, in private, Seymour Hersh reports that in fact "Reagan was delighted ... [and] very satisfied" by the bombing. Publicly, the United States suspended the delivery of four additional F-16s but quietly lifted the suspension two months later.¹² By 1992, this support had become public, when a Democratic-majority Congress passed a resolution endorsing the Israeli attack. The irony is that the Osirak reactor was not the focal point of Iraq's nuclear program and it likely encouraged the Iraqis to take greater efforts to evade detection of their primary nuclear development facilities.¹³

The 1981 attack by Israel against the Iraqi nuclear facility, however, paled in comparison with the much wider bombing attacks ten years later by the United States, which—like the Israeli bombing—violated both the spirit and the letter of the NPT. This action further undermined law-based approaches to nuclear non-proliferation and lent legitimacy to the notion that regional nuclear powers can launch pre-emptive attacks against potential rivals at will. Tragically, such lawlessness creates the very kind of insecurity which has motivated additional countries to develop their nuclear programs in the first place, and thus is more likely to advance proliferation than retard it.

Opposition to Nuclear-Free Zones

Both Republican and Democratic administrations have been skeptical of efforts to establish nuclear-free

zones, since it would require the United States to remove its nuclear weapons from certain strategically-important parts of the globe and require allies, such as Israel and Pakistan, to dismantle their nuclear arsenals. Indeed, even where nuclear-free zones have gone into effect, such as in Latin America through the Tlatelolco Treaty, the United States has developed contingency plans to violate the treaties' provisions.¹⁴ The United States routinely has brought nuclear-armed ships and planes to Japan in violation of that country's anti-nuclear constitution. When New Zealand announced its decision to become nuclear-free and bar the U.S. Navy from bringing nuclear weapons into its ports, the Reagan administration put enormous pressure on its government. The Clinton administration put even greater economic pressure on the Pacific Island nation of Palau to induce the repeal of its nuclear-free constitution. For years, the United States has strongly opposed proposals for nuclear-free zones in Nordic Europe or the Balkans.

In short, even prior to the current administration, U.S. nuclear policy in recent decades has been based on the following principles:

- The United States and allied powers must maintain a nuclear monopoly in developing regions.
- Any challenge to that monopoly will be vigorously opposed, possibly through military force.
- The existing non-proliferation regime will be imposed only selectively to maintain US. dominance.

In other words, U.S. policy has long been, in effect, that it is fine for the United States and its allies to have nuclear weapons in a given region but wrong for any other countries to have nuclear weapons. Unfortunately, this simply will not work. Such double standards create widespread sympathy in the

The 1981 attack by Israel against the Iraqi nuclear facility, however, paled in comparison with the much wider bombing attacks ten years later by the United States, which—like the Israeli bombing—violated both the spirit and the letter of the NPT.

developing world for demagogues who can argue that their nuclear programs are simply a defensive reaction to the nuclear threat from the United States, Israel, or other pro-Western countries.

Both Iran and North Korea have endorsed calls for nuclear-free zones in their regions, as have U.S. allies like Japan, Jordan, South Korea, and Egypt. Even if such pronouncements proved less than sincere, U.S. support for the concept would provide the international community with the legitimacy it now lacks to help control the threat of nuclear proliferation. U.S. opposition to a nuclear free-zone in the Middle East is what prompted Iraq's nuclear program in the first place. Located near Israel and Pakistan, the Iraqis saw their nuclear program as largely defensive, a program they had offered to end even prior to 1991 if they were no longer faced with a potential nuclear threat from hostile neighbors.

At the end of the Korean War, the United States moved nuclear weapons into South Korea in direct violation of the armistice agreement. These were not removed until 1991 when the high-yield precision-targeted conventional weapons used during the Gulf War were actually seen as more effective than the tactical nuclear weapons then stationed in Korea. Nuclear-capable aircraft and ships continue to move in and out of Korea. Clinton's appointee to the U.S. Strategic Command, General Lee Cutler, announced in February 1993 that strategic nuclear weapons which had been targeted for the Soviet Union were being re-targeted to North Korea. By March, American forces in Korea were engaging in nuclear war games, with B1-B and B-52 bombers from Guam and naval vessels with cruise missiles taking part.¹⁵

One basic tenet of the nonproliferation regime is that nuclear nations not threaten nuclear attacks on

non-nuclear nations. With the Soviet Union no longer the feared enemy in northeast Asia, and with China still on good—if somewhat cool—relations with the United States, the North Koreans could only assume that this was exactly what was going on. It was only at this point that North Korea first announced it was pulling out of the NPT and the crisis—initially defused in 1994 by former President Carter's intervention, began in earnest. Following U.S. preparations for the invasion of Iraq and bellicose rhetoric toward North Korea, the regime again renounced its participation in the NPT in January 2003. The former nuclear aspirations of Iraq and the

current ones of North Korea can both be interpreted as a defensive response to the U.S. refusal to denuclearize the region.

Spreading Nuclear Technology

Iraq's nuclear program in the 1980s was made possible through imports from the West of so-called "dual-use" technology, capable of producing nuclear weapons or delivery systems while

also having civilian applications. Clinton's Secretary of Defense, William Perry, argued before Congress that it was a "hopeless task" to control such dual use technology, stating that "it only interferes with a company's ability to succeed internationally." This view directly contradicted the United Nations inspection regime in Iraq which called for "strict maintenance of export controls by the industrialized nations" to prevent the Iraqi regime from once again developing its nuclear program. Indeed, the Clinton administration was even more lax than its Republican predecessors on controlling the exports of nuclear-related technology.¹⁶

It is noteworthy that the Clinton administration's Defense Department introduced the term "counter-proliferation" rather than "non-proliferation," suggesting a new emphasis on high-tech

In other words, U.S. policy has long been, in effect, that it is fine for the United States and its allies to have nuclear weapons in a given region but wrong for any other countries to have nuclear weapons.

military responses to nuclear proliferation after the fact, rather than export controls or diplomatic measures to control it. Clinton's assistant Secretary of Defense Ashton Carter put forth proposals in violation of both the NPT and U.S. law regarding the transfers of American nuclear technology to India and Pakistan.¹⁷

Similarly, the current Bush administration did not invent the double standard of pushing for stricter inspection of nuclear facilities by the International Atomic Energy Agency while still denying the right of such inspection of any American facilities. This standard was alive and well during all three previous administrations, as was the withholding of the necessary financial contributions to the United Nations to make such increased and effective IAEA inspections possible anywhere.

Conclusion

The Bush administration has made contempt for international law, international organizations, international treaties, and other multilateral institutions for arms control into a signature of its foreign policy. Littered throughout the history of post-war efforts at arms control, however, are examples of U.S. neglect of comprehensive nuclear arms control, much less disarmament, and rejection of universal standards in favor of selective applications based upon a given government's relations with the United States.

Since 1981, Israel has been in violation of UN Security Council resolution 487, which calls on Israel to place its nuclear facilities under the trusteeship of the International Atomic Energy Agency. Since 1998, Pakistan and India have been in violation of UN Security Council resolution 1172, which calls on those two South Asian nations to end their nuclear weapons programs and eliminate their long-range missiles. Yet only Iraq was targeted for strict sanctions

and military action for its alleged violations of UN Security Council resolutions calling for the elimination of its nuclear programs, even though those programs no longer existed.

Fear of the charge of "weakness" in the post-911 world propelled nearly all members of the U.S. Congress in March 2003 to allow the administration to reject diplomacy and United Nations inspections of Iraq's nuclear, chemical, and biological programs, and invade Iraq. The rationale was that such "diplomatic and other peaceful means alone" would not "adequately protect the national security of the United States against the continuing threat posed by Iraq."¹⁸ Similarly, when a protracted British-led diplomatic effort to eliminate Libya's nascent nuclear program reached a successful conclusion in December 2003, a Congressional majority supported a resolution which declared—in direct contradiction of American diplomats involved in the talks¹⁹—that the elimination of Libya's nuclear program "would not have been possible if not for ... the liberation of Iraq by United States and Coalition Forces."²⁰

More recently, during the final hours of the Nonproliferation Conference in New York at the end of May, Congressional leaders from both parties validated the Bush administration's double standard of focusing upon Iran's alleged nuclear weapons program while ignoring the already existing nuclear weapons arsenals of U.S. allies like Israel, Pakistan, and India.

Advocates of nuclear disarmament and arms control must recognize that while the successful American effort to derail the recent UN non-proliferation conference is indeed a serious setback in the struggle against the nuclear threat, the problem runs deeper than simply the policies of the current

The Bush administration has made contempt for international law, international organizations, international treaties, and other multilateral institutions for arms control into a signature of its foreign policy.

administration. To the extent that the United States attempts to use its nuclear arsenal to pursue its own strategic advantage, and seeks to place the United States and its allies above the law, it does so at the risk of our very survival.

*Stephen Zunes is a professor of politics and chair of the peace & justice studies program at the University of San Francisco. He is Middle East editor for the Foreign Policy In Focus Project <www.fpif.org> and is the author of *Tinderbox: U.S. Middle East Policy and the Roots of Terrorism* (Common Courage Press, 2003).*

ENDNOTES

- ¹ “UN Nuclear Treaty Review Ending in Failure, Japanese Envoy Says,” *Bloomberg News*, May 27, 2005.
- ² Seymour Hersh, *The Sampson Option*, New York: Random House, 1991, p. 210.
- ³ Seymour Hersh, op. cit., p. 273.
- ⁴ Zachary Davis, “Nuclear Proliferation and Nonproliferation Policy in the 1990s,” in Michael Klare and Daniel Thomas, *World Security: Challenges for a New Century*, second edition, New York: St. Martin’s Press, 1994, p. 115.
- ⁵ Hersh, op. cit., p. 274.
- ⁶ Ibid., p. 209-14.
- ⁷ Ibid., p. 268.
- ⁸ Cited in Ibid., op. cit., p. 283.
- ⁹ Ibid., p. 291.
- ¹⁰ Helena Cobban, “Israel’s Nuclear Game: The U.S. Stake,” *World Policy*, Summer 1988, pp. 427-8.
- ¹¹ Arms Control Association, “Nuclear Weapons: Who Has What at a Glance,” April 2005.
- ¹² Hersh, op. cit., p. 9.
- ¹³ Davis, op. cit., p. 112.
- ¹⁴ New York Times, Feb. 13, 1985.
- ¹⁵ Bruce Cumings, “It’s Time to End the 40-Year War,” *The Nation*, August 23/30, 1993, p. 207.
- ¹⁶ Gary Milhollin, “The Business of Defense Is Defending Business,” *Washington Post National*, Weekly Edition, Feb. 14-20, p. 23.
- ¹⁷ Ibid.
- ¹⁸ H. Con. Res. 104, 108th Congress, 1st session, March 21, 2003.
- ¹⁹ Flynt Leverett, “Why Libya Gave Up on the Bomb,” *The New York Times*, January 23, 2004, p. A23.
- ²⁰ H. Amdt.601

Published by Foreign Policy In Focus (FPiF), a joint project of the International Relations Center (IRC, online at www.irc-online.org) and the Institute for Policy Studies (IPS, online at www.ips-dc.org). ©2005. All rights reserved.

Foreign Policy In Focus

“A Think Tank Without Walls”

Established in 1996, Foreign Policy In Focus is a network of policy analysts, advocates, and activists committed to “making the United States a more responsible global leader and global partner.” For more information, visit www.fpiif.org.

Recommended citation:

Stephen Zunes, “Undermining the Nuclear Non-Proliferation Treaty—It Didn’t Start With the Bush Administration,” (Silver City, NM & Washington, DC: Foreign Policy In Focus, June 8, 2005).

Web location:

<http://www.fpiif.org/papers/0506undermine.html>

Production Information:

Writer: Stephen Zunes

Editor: Miriam Pemberton, IPS

Layout: Chellee Chase-Saiz, IRC

p. 8

www.fpiif.org

A Think Tank Without Walls

