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Panel Discussion on
**Legal Aspects of Post-Cold War National Security Threats:
Controlling Weapons of Mass Destruction**
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The last year and half has been a time of unprecedented success in arms control. Over this period, we have seen the Nuclear Non-Proliferation Treaty (NPT) indefinitely extended, the creation of two new nuclear weapon-free zones, START II ratified by the U.S. Senate, and of course, the signing of the Comprehensive Test Ban Treaty (CTBT). Despite this string of successes, much remains to be done. I would like to speak briefly about the issues I think will be important in the near future.

The primary areas of concern in the next year will be the ratification and strengthening of existing treaties. Perhaps most importantly, the Chemical Weapons Convention (CWC) must be ratified by the United States soon or the regime created to ban chemical weapons will be seriously weakened. Obviously, we expect and hope that the Russian Duma will soon ratify START II, thus bringing the strategic nuclear arsenals of the U.S. and Russia down to two-thirds of their Cold-War high. It is also vital that the ratification process of the CTBT move forward so as to bring this landmark treaty into force as soon as possible. Decisions must be made on how to effectively implement the strengthened NPT review process and negotiations must also be concluded on how to enhance the effectiveness of the BWC.

CWC

With the 65 states necessary to trigger the 180-day countdown toward entry-into-force now having ratified the CWC, the Convention will enter into force at the end of April 1997. As

I'm sure many of you know, the United States has not yet ratified the CWC. President Clinton has vowed that the U.S. "will join the ranks of nations determined to prevent the spread of chemical weapons." Although the U.S. has unilaterally renounced the use of chemical weapons and is destroying its chemical weapon stockpiles, failure to ratify the CWC would have disastrous consequences. Aside from the hundreds of millions of dollars in sales and jobs the U.S. would lose from CWC parties being forced to apply trade restrictions to chemicals that originate here, or are being shipped to the United States, the entire nonproliferation regime would be undermined. As a leader in the fight to prevent the spread of weapons of mass destruction, our credibility would be eroded were the United States to fail to join the CWC regime. Critics would ask why the United States expects other nations to forego weapons of mass destruction if we ourselves are unwilling to join the CWC. As a nation whose interests are truly global in nature and whose troops serve all over the world, we stand to gain the most from outlawing chemical weapons. If we fail to ratify this treaty, we miss out on a chance to help banish poison gas and make our own military forces and citizens much more secure.

START II

The U.S. Senate gave its advice and consent to the START II Treaty in January 1996. Almost a year later, we are still waiting for the Russian Duma to follow suit. Building on the disarmament progress made under START I, which reduced the number of deployed strategic offensive nuclear weapons of each side to 6,000, START II will leave each side with 3,500 such weapons. Entry-into-force of START II will also facilitate negotiation of further reductions -- leading perhaps to a START III. President Clinton most recently reaffirmed this commitment in

his September 24 speech before the UN General Assembly, when he stated that "When Russia ratifies START II, President Yeltsin and I are ready to discuss the possibilities of further cuts."

Although the Russians have concerns about NATO expansion and U.S. commitment to the ABM Treaty, I am optimistic that they will recognize their security interests are best served by ratifying START II.

CTBT

Now that the CTBT has been opened for signature and 137 countries have signed the treaty, we must begin work to secure ratification by the required parties to bring the treaty into force. The goal of the Clinton Administration is to work towards achieving entry-into-force of the CTBT at the earliest possible date: September 1998. Of the 44 countries whose ratification is necessary for entry-into-force, 41 have already signed the treaty, including all five of the declared nuclear weapon states and Israel. While it is obviously of extreme importance that the remaining three countries -- India, Pakistan and North Korea -- sign and ratify the CTBT, it is crucial that the other signatories begin the ratification process as well. A strong international consensus against nuclear weapon testing already exists, but each signature and ratification serves to codify this international norm and make it stronger. Here in the United States, the CTBT will probably be submitted to Congress sometime as early as possible next year, and although the treaty will likely be subject to serious scrutiny and debate, I am confident Congress will give the CTBT its advice and consent. The day all states are legally bound to forego nuclear weapon testing is a day which will see the world become a much safer place.

NPT

Although the NPT has been made permanent and is now approaching universality with 184 parties, the treaty review process continues. The first Preparatory Committee meeting leading to the 2000 NPT Review Conference will be held in April 1997. As this is the first PrepCom under the post-1995 NPT Conference regime, it will be an important step toward the strengthened treaty review process called for at the 1995 NPT Review and Extension Conference. The meeting will have to address exactly what a "strengthened treaty review process" means and how it should be implemented, as well as deciding on the agenda, structure, priorities, and allocation of work for the PrepCom process, and also making decisions on procedural issues such as financing, observers, documentation, chairmanships and rules of procedure. Over the next several months, attention will be increasingly turned toward this issue as states parties begin their assessment of how to strengthen the NPT regime. The U.S. is looking forward to a constructive, cooperative process leading to the 2000 NPT Review Conference.

BWC

The Fourth BWC Review Conference has just completed its work in Geneva. As anticipated, the State Parties welcomed the work of the Ad Hoc Group which was formed by the 1994 Special Conference in an effort to draft a legally binding instrument to strengthen the BWC. This instrument will hopefully set forth measures that provides for new off-site and on-site inspection activities and should strengthen compliance by making certain national information declarations mandatory. By 1998, well before the Fifth Review Conference in 2001,

we hope to achieve such a legally binding instrument in the form of a Protocol to the BWC.

NWFZ

Last year, the U.S. became a signatory to two Nuclear Weapon-Free Zones; the African Nuclear Weapon-Free Zone Treaty, or the Treaty of Pelindaba, and the South Pacific Nuclear Free Zone Treaty, the Treaty of Raratonga. The United States fully endorses the objective of establishing additional nuclear weapon-free zones embodied in the Declaration of Principles and Objectives that was adopted at the 1995 NPT Review and Extension Conference. We firmly believe that any NWFZ treaty should address the concerns of all the states eligible to become party to it and to its associated protocols. In this regard, I must note that the United States has significant concerns with the South-East Asian Nuclear Weapon Free Zone Treaty and its Protocol that must be addressed before the U.S. can consider signing. We have made our concerns known to the Southeast Asian states on numerous occasions and look forward to resolving them so that we may eventually sign the Protocol to the Treaty.

FMC

While each of the issues that I have discussed thus far are concerned with existing treaties, either finding ways to strengthen them or bring them into force, the next year may see action occur on a new issue -- a Fissile Material Cut-off Treaty (FMCT), which would ban the production of fissile material for use in nuclear weapons. An FMCT is an explicit goal of the document on "Principles and Objectives for Nonproliferation" endorsed at the 1995 NPT Review and Extension Conference, and officials from all five nuclear weapon states have said on several occasions that their governments are ready to begin negotiating such a treaty. Indeed, President

Clinton cited an FMCT as his highest arms control priority after CWC ratification.

Unfortunately, a few NAM states have delayed any progress on the matter by insisting on linking it to a plan for time-bound nuclear disarmament. Other states wish the nuclear powers to eliminate all their stockpiles of nuclear materials first. It is my hope that we will be able to overcome this current impasse and begin work on this next step toward the ultimate elimination of nuclear weapons as soon as possible.

Conclusion:

The next few years will see movement occurring on all fronts to combat the proliferation of weapons of mass destruction -- nuclear, chemical, and biological. Steps will be taken to fight the spread of chemical and biological weapons, nuclear stockpiles will continue to shrink, the CTBT will near implementation, the NPT will be strengthened, and hopefully, FMCT negotiations will be underway. These issues will represent the "big ticket" items for the near future in terms of legally binding controls on the proliferation of weapons of mass destruction. I look forward to listening to the remarks of my fellow panelists and to hearing your questions.