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Non-Proliferation in the Middle East

**Remarks by Ambassador Thomas Graham, Jr.
President of the Lawyers Alliance for World Security
April 26, 1999 – Washington, D.C.**

I'd like to thank Professor Cherif Bassioni for inviting me to contribute to this important process. And in response to his remarks concerning the humanitarian aspect of arms limitation over the centuries I would say one must not forget the effect of technology either. In the Middle Ages, the Pope banned the crossbow declaring—to paraphrase—that it was “hateful to God and unfit for Christians.” But it was soon eclipsed by the English longbow which in turn was made obsolete by the destructive firepower of the cannon.

It is important for me to explain that I am not an expert on the political situation in the Middle East and this is not intended as a commentary on who is right or wrong on any issue nor a criticism of any state. The area I will discuss today, is the prevention of proliferation of nuclear weapons, as well as other weapons of mass destruction, but particularly nuclear weapons, as these are by far the most destructive and destabilizing weapons systems of all. I believe this issue is becoming increasingly important as, since the end of the Cold War, the new multi-polar international order has led many states to re-examine their security requirements in an environment in which nuclear weapons are increasingly available. Nuclear weapons represent the state of the art of 1945 technology

which is growing more widely understood, and the most difficult obstacle in the construction of a nuclear weapon is the acquisition of appropriate nuclear material – which is now secured under increasingly difficult conditions at many sites in Russia, the New Independent States, and according to recent news reports, perhaps Yugoslavia. Despite our best efforts, we can no longer be certain that the know how and material to build nuclear weapons can be kept secure.

The international community's principal tool for preventing the spread of nuclear weapons is the 1968 Nuclear Non-Proliferation Treaty (NPT). Through the NPT, all but four of the world's nations are legally bound to work toward the ultimate elimination of nuclear weapons. This commitment takes the form of a bargain. The non-nuclear weapon states agree never to acquire nuclear weapons while the nuclear weapon states agree to share the benefits of peaceful nuclear technology and to undertake disarmament negotiations aimed at the ultimate goal of a prohibition on nuclear weapons. While this agreement allowed the world to avoid the widespread nuclear proliferation predicted in the 1960s, it remains only as strong as is the international community's confidence in it.

The NPT was such a novel idea when it was negotiated that the states parties were not sure it would last and gave it an initially limited duration of twenty-five years, after which a conference of the states parties would be convened to determine its future. When the NPT was made permanent in 1995, the Middle East was a region of particular concern. At the 1995 NPT Review and Extension Conference, Egypt originally opposed indefinite extension on the grounds that, as long as key states remain outside the Treaty, the regime is "incapable of safeguarding Egypt."¹ Senior Egyptian diplomats explained this position to me very simply; that while Israel is most unlikely to use nuclear weapons at this time, both political conditions and governments

¹ Egyptian Foreign Minister Amr Moussa as quoted by Julia Preston, "Egypt Opposes Indefinitely Extending Non-Proliferation Treaty," *The Washington Post*, April 21, 1995

change. It is impossible to say that no future Israeli government would behave differently nor can such a commitment be made about any country, which is why disarmament negotiations have always emphasized capability rather than intent.

Several Middle Eastern countries urged that the NPT states parties make some sort of collective statement denouncing Israel's refusal to sign the Treaty and abide by its provisions. Heated negotiations on this topic continued late into the night before the extension decision and a carefully brokered compromise of this issue barely allowed the extension to occur. By the time the Middle East Resolution was made palatable to the United States Government, its Arab originators would not sponsor the compromise language. The depository governments, Russia, the United Kingdom, and the United States, had to sponsor it for the deal to work.

This compromise has made the Middle East, long a region of special importance to the health of the NPT regime, crucial to the fate of any international discussion on the global norm against proliferation. This fact has played out at the Preparatory Committee Meetings held thus far leading to the 2000 NPT Review Conference; this Conference will be crucially important to the health of the regime.

Luckily for the states of the Middle East and elsewhere, the global nuclear non-proliferation norm, as well as the global norms against chemical and biological weapons, remain intact and multilateral pressure can be brought to bear on states that act outside these norms, even without the participation of a key state or states – at least until now. But the health of the NPT, which establishes the nuclear non-proliferation norm and a necessary foundation for other negotiated security agreements, is very much contingent on the actions of individual states, especially including the United States, Russia, China, the United Kingdom, France, India, Pakistan, and Israel. The five nuclear weapon states that meet the NPT's definition of this term

are already legally bound to pursue the ultimate goal of nuclear disarmament. India is being vigorously engaged by the United States and others and has, at least privately, acknowledged the value of the continued viability of the NPT regime for global security. Pakistan will surely follow India's lead in any movement to limit the impact of nuclear proliferation on the subcontinent and the world. Israel, thus, by the force of events has become one of the most significant variables for the future of the NPT regime.

Unlike India, Israel has never denounced the NPT regime, recognizing its importance to Israeli security. Israel understands that its regional conventional superiority could be effectively neutralized by nuclear weapons in the hands of its potential adversaries. It has chosen the precarious path of an uncommitted beneficiary of the NPT regime, maintaining its own unsafeguarded nuclear program outside the Treaty and relying on the majority of the world to maintain the health of the regime. This special status, like the status of the nuclear weapon states, cannot last forever if widespread proliferation is to be permanently averted.

Of course, each country has a unique security situation, and the NPT is far from perfect. There are serious reasons to be concerned about the adequacy of IAEA safeguards inspections for verification of non-proliferation. Obviously, UNSCOM's revelations about Iraq drew this system very much into question and there is serious and justified concern about Iran as well. But these events have also led to a strengthening of the safeguards approach through the 93+2 program and other efforts. The world is also far from where it would need to be in terms of transparency and verification for the prohibition of nuclear weapons to be seriously considered. Much work needs to be done and Israel, as well as India and Pakistan, the nuclear weapon states, and the non-nuclear weapon states all find themselves in an unstable situation in which change is difficult but continuation of past policies increasingly dangerous.

Even though it cannot now be in a position to consider becoming a party to the NPT, there is no reason that Israel, in collaboration with other Middle Eastern states, cannot make a contribution to the health of the regime under appropriate conditions. In fact, such a contribution is becoming increasingly important, especially in light of the increasing strain Israel's continued aloofness from the NPT places on the Treaty as only four states remain outside the Treaty and the two other so-called "threshold states" have acted to de-stabilize the regime by overtly testing nuclear weapons. The NPT regime needs Israel's help even if from outside the regime.

Last year's nuclear explosive tests in South Asia and the subsequent announcements from India and Pakistan that they are now nuclear weapon states have negatively affected Israel's delicate position outside the Treaty. First, the South Asian tests destabilized the NPT regime, which allows temporarily for five, and no more than five, nuclear weapon states. Many NPT parties joined the Treaty based on the clear expectation that no other state would openly declare a nuclear weapon capability, based on the trend in recent years which brought several ambiguous programs into the NPT fold – most notably: South Africa, Ukraine, Argentina, Brazil, South Korea, Taiwan, and Algeria. The South Asian tests established an expectation of bad behavior among the so-called "threshold states." A year ago this category included India, Israel and Pakistan, but in its evolution towards inadequacy as a description of the South Asian nuclear weapons programs also affects Israel: the movement of events has, in effect, isolated Israel.

But this isolation contains opportunity. As a state that also recognizes the value of non-proliferation for its security, Israel can act to support the non-proliferation norm as far as it can even from outside the NPT. A number of Middle Eastern states have strong nuclear non-proliferation credentials, especially Egypt, which continues to play a leadership role in the NPT community and is itself part of the African Nuclear Weapon Free Zone established by the Treaty

of Pelindaba. Given the circumstances of the Middle East, a regional solution to promoting non-proliferation, such as a nuclear weapon free zone, may be appropriate.

The subject of a possible nuclear weapon free zone for the Middle East -- or a zone free of weapons of mass destruction -- has long been a topic of discussion. Among others, the President of Egypt has proposed that a WMD free zone be negotiated. Very little progress has been made on this issue. Israel has an unsafeguarded nuclear program. Egypt as well as other Middle East states have not joined the Chemical Weapons Convention and Egypt used chemical weapons during the war with Yemen in 1967. Of course, these weapons were extensively used by both sides during the Iran-Iraq War, and the Iraqi chemical and biological weapon programs remain a serious threat to the region and the world. The verification of the absence of chemical and biological weapons is very difficult, even more so than the verification of the absence of nuclear weapons. Chemical and biological weapons can be produced in small facilities using equipment that also has legitimate commercial uses – this can make such weapons programs difficult to identify and confound negotiations on the necessarily intrusively verified prohibition of these weapons.

But in the context of the Middle East, do nuclear weapons add to security? Israel for many years has enjoyed a significant conventional superiority in the Middle East. Indeed, the only way the Israeli conventional superiority can be negated would be if one or more Middle Eastern states should develop nuclear weapons and be willing to use them. And further, the more nuclear weapons there are in the Middle East, the more likely one or more such weapons are to fall into the hands of a terrorist organization that cannot be deterred. Israel would be far more secure maintaining conventional strength and living under a verifiable and enforceable nuclear weapon free zone treaty arrangement or WMD free zone agreement. Of course, it would

have to be truly verifiable and truly enforceable throughout the Middle East, at the present time a tall order. Highly intrusive on site inspection procedures would have to be agreed to and all the states of the region would have to agree to jointly enforce the treaty commitments, by force if necessary.

Likewise, chemical and biological weapons add little to the security of a state in the Middle East, Egypt or any other. They have limited utility as military weapons and would not balance or defeat a superior conventional military force. But chemical and biological weapons make excellent terrorist weapons and the more they abound in the Middle East the more likely they are to be acquired by terrorists and be a significant threat to all of the states in the region. So, why not control them with the effective verification and strict enforcement arrangements that must accompany a WMD free zone for the Middle East?

The stumbling block so far has been the ongoing political differences between the would be parties to such a zone. The problem with the argument that a nuclear weapon free zone or weapons of mass destruction free zone agreement in the Middle East can only be reached in the context of a stable regional peace agreement is that it is true. The nuclear weapon free zones that exist today required significant cooperation between their parties during negotiation and continue to do so throughout their implementation. The Latin American Nuclear Weapon Free Zone Treaty of Tlatelolco was concluded in 1968 but did not enter into force for the entire region until after Argentina and Brazil came to a bilateral verification arrangement of each others nuclear facilities. It is significant that the Pelindaba Treaty establishing the African Nuclear Weapon Free Zone could only be negotiated after South Africa dismantled its nuclear arsenal and joined the NPT.

Unfortunately, nuclear non-proliferation and disarmament cannot wait indefinitely. The world is coming to a fork in the road with regard to nuclear proliferation and this is true in the region of the Middle East as well as the world at large. The basic technology is 1945 vintage and is increasingly available. What used to be referred to as super-computers, useful in developing nuclear weapons, formerly were possessed by only a few governments; now any of us in this room could buy this capability in many stores in Washington. And the tests last year in South Asia have opened the door to widespread nuclear proliferation all over the world. We must choose either to make serious attempt at progress in the direction of the ultimate goal of nuclear disarmament or live in a world filled with nuclear weapon states in which every future conflict risks nuclear escalation. Of course, the brunt of this burden rests on the nuclear weapon states parties to the NPT but all the countries of the world are involved.

This represents a serious challenge both to efforts to reduce global stockpiles of nuclear weapons and to the NPT regime's efforts to prevent the proliferation of nuclear weapons and this challenge must be addressed in a creative way, perhaps with informal arrangements for the short-term. We cannot wait forever for START II. If this challenge can be overcome, however, in the medium- to long-term, the START process may be able to continue to serve as the foundation for substantial cuts in the numbers of nuclear weapons possessed by the nuclear weapons states. The plan for START III, which it is agreed can begin to be addressed once the Duma approves START II, is a level of 2,000-2,500 with significant agreement with Russia on transparency. Since Defense Minister Sergeiyeu, I understand, has stated publicly that Russia will be at 500 strategic systems for economic reasons by 2012, however, it would appear unlikely that the Russians would deal on transparency, their major bargaining asset in these negotiations, until the United States is prepared to consider a level of forces closer to where they must be. However,

the United States would only consider reductions of this magnitude if the Russians are prepared to negotiate complete transparency. Beyond this, if the NPT is to survive and remain effective over the long term, a deep cuts negotiation involving all five nuclear weapon states, which will bring the level of total weapons for the United States and Russia down into the low 100s (less for the other three), must happen over the next 10-15 years. In this context, the three threshold states would be at zero but with their fissile material remaining on their territory under IAEA safeguards as a hedge against breakdown of the agreement. Intrusive verification would be negotiated and all non-nuclear weapon states would re-affirm their non-proliferation commitment and agree to joint action against any state that should violate this agreement.

I can understand Israel's desire to retain all options that might be necessary to guarantee its survival as a state. Similarly, I can understand and have often argued that we do not yet live in a world that would permit serious contemplation of the prohibition of nuclear weapons. I can also understand the sentiment that Egyptian officials have expressed, that no one can guarantee that political change will not at some point in the future leave Israel's military forces in uncertain hands. This is not idle speculation. As the world has scrambled to adjust to the nuclear ramifications of the dissolution of the former Soviet Union, we have learned that no society is immune from radical change but that a nuclear weapons complex may not be able to adjust quickly or appropriately. Nuclear weapons, by their very nature, are unique as a threat to civilization. I don't have all the answers, but I can say with certainty that if the security of states continues to come at the price of the security of human civilization, eventually, the reckoning will be very hard.