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## **Nuclear Non-Proliferation Strategy in the Post Cold War World**

**Ambassador Thomas Graham, Jr.  
President of the Lawyers Alliance for World Security  
Before the National Strategy Forum  
Chicago, Illinois -- April 6, 1999**

I would like to thank the National Strategy Forum for inviting me here to discuss nuclear non-proliferation strategy for the new world in which we live. In my judgement, the prospect that a rogue regime or sub-state group, such as a terrorist organization, criminal conspiracy, or religious cult might acquire nuclear weapons and use them against a city in the United States is the most serious threat our nation faces today. We face a new threat in the post-Cold War world, that the next bomb under the World Trade Center in New York City, or in any other major city in the world, could be a nuclear device. A year or so ago, I was at a conference at which a recently retired U.S. general, a man who was thoroughly familiar with the U.S. nuclear weapon program, opined that if substantial progress toward the elimination of nuclear weapons is not achieved in the next ten years, then we can be sure that at some point in the not too distant future a nuclear weapon will be exploded in anger on the territory of the United States. Such words are alarming, but cannot be dismissed. Our cities are at risk.

The other weapons of mass destruction, chemical and biological weapons are also worrisome. However, they do not compare in destructive capability to nuclear weapons and unlike nuclear weapons they are banned by international treaties. The principal treaty regulating nuclear weapons is the 1968 Nuclear Non-Proliferation Treaty (the NPT) which bans nuclear weapons for most states, but allows them for a few, an inherently unstable situation. And given the increasing availability of nuclear weapon technology – for example desktop computer systems that are equivalent in capability to the “super computers” of past years which helped design nuclear weapons – our ability to control the spread of nuclear weapons is fading rapidly. The day is coming when the threat of use of one or a few nuclear weapons against American cities by an irresponsible actor will become a significant threat to our national security.

The crisis in Kosovo is alarming -- and more than just cause for action -- the prevention of genocide will always be in the interest of the civilized world. The first rule for emergency responders is that they should not have an emergency themselves; we must jealously guard our own national security to be able to champion freedom beyond our borders. And as we reach out to share the security burdens of peoples around the world, we must be ever more vigilant at home. Because every time we strike a blow for distant justice we enrage its enemies and make them our own. Force is a blunt instrument. When we kill a soldier we make widows and orphans who may not forgive us for generations to come. No cause is so perfect that reasonable people cannot be turned against it – or us -- through the intrusion of violence, however justified on the whole, into their lives. In a world in which nuclear weapons usable material may be for sale, no enemy should be made cheaply. Our position of global leadership carries with it additional responsibility for protecting our own citizens, making it additionally important that the nuclear non-proliferation regime continue to succeed.

It bears noting that if the NPT had not been concluded and selective nuclear proliferation had continued to be the policy of the United States, as it had been in the early 1960s, then two of the countries most likely to have received nuclear weapons under such a policy would have been Yugoslavia and Iran. Governments change. But if the Serbian President had nuclear weapons at his disposal today, the United States would be in grave danger; and it is a valuable exercise to ask ourselves what really stands between Milosovic and this capability? The best answer is the norm of international behavior established by the NPT. Clearly, it is in our interest to keep this norm strong.

In this regard, the NPT is critical to our national security. Before the NPT was negotiated in the 1960s, there were predictions that there could be twenty to thirty nuclear weapon states by the end of the 1970s, and who knows how many by the turn of the century. In response to this alarming responsibility, the world community negotiated the NPT to limit nuclear weapon proliferation to the five states (the United States, the United Kingdom, the former Soviet Union, France and China) that had already tested nuclear weapons. The NPT did not validate the possession of nuclear weapons by those five states, in fact it directly bound them in Article VI to work toward the ultimate elimination of nuclear weapons. The NPT defined a balance of obligations between the nuclear weapon states and the non-nuclear weapon states. The non-nuclear weapon states agreed to never acquire nuclear weapons. The nuclear weapon states agreed to pursue nuclear disarmament negotiations with the ultimate objective of the elimination of nuclear weapons and also to share the benefits of peaceful nuclear technology. This is the essential bargain that is essence of the NPT and the basis of world security today and which made all subsequent nuclear arms control possible.

The NPT was a radical notion in the 1960s. Many important states were uncertain that it would be effective over time and wanted an easy way out in case proliferation was not stopped and nuclear arsenals became an unpleasant necessity for international political credibility. Owing to these concerns, the Treaty was initially given a twenty-five year duration, after which time its effectiveness would be reviewed and the states parties would again have the option to choose nuclear armament over nuclear non-proliferation. When faced with this choice for the second time in 1995 at the NPT Review and Extension Conference, the international community remained concerned with the seeming high political value of nuclear weapons and recommitted itself, this time permanently, to work toward security without nuclear weapons as the only alternative to a world filled with nuclear weapons states.

But it isn't so simple. The arms race made a huge impression on the rest of the world, emphasizing supremacy in nuclear weapons as a primary measure of superpower status. Still today, the exaggerated political value of these weapons with almost no military utility remains high and to many states there appears to be a link between status and possession of nuclear weapons. Many notice that the five nuclear weapon states are coterminous with the permanent membership of the Security Council, although this is an accident of history, not a causal relationship. And this situation is exacerbated by frequent statements in Washington and in other nuclear weapon states capitols that nuclear weapons are central to their security. The 1991 NATO Strategic Concept Document describes nuclear weapons as the "essential link" between North America and Europe, "unique to peace" and the "supreme guarantor" of NATO security. In November 1997, a Conservative Party spokesman said on the floor of the House of Commons that the United Kingdom could not further reduce its Trident force, otherwise Britain could no longer be considered a first class nuclear weapon state and would therefore lose its permanent

seat on the United Nations Security Council. This is not the type of psychology we should want to encourage if we want our nuclear non-proliferation strategy to succeed. Indeed, if we are to have a secure and stable world in the 21<sup>st</sup> Century, the link between nuclear weapons and status must be broken.

The 1995 NPT Review and Extension Conference did more than extend the NPT indefinitely. It adopted a Statement of Principles and Objectives on Nonproliferation and a framework for a strengthened review process that will guide our future efforts. The victory in New York in May 1995 was a common victory. It established a permanent landmark on the arms control horizon that we will be blessed to have in years to come. It represents a change in the conditions under which multilateral discussions on security will occur; broadening the responsibility for security but also the opportunities for international leadership. It also re-committed, pursuant to the Statement of Principles, the nuclear weapons states to vigorously pursue nuclear weapon reductions with the ultimate objective of zero. If this commitment is not met, the all-important NPT regime will be in jeopardy. In 1995 a number of prominent third world countries privately said they would reexamine their commitments to the NPT if significant progress toward nuclear disarmament is not achieved in the short to medium term. More specifically there could be real trouble if there is continuing dissatisfaction with the nuclear weapons states' compliance with their disarmament commitments by the time of the 2000 NPT Review Conference. In order to avoid disastrous consequences for the NPT regime and for international security on the whole, all the states parties to the NPT must fulfill their commitments; the nuclear weapon states will continue to be scrutinized and the health of the regime will be indivisibly linked with continuing progress toward the ultimate goal of a world free of nuclear weapons.

In addition to eroding confidence in the NPT, the retention of excessively large nuclear arsenals exaggerates the political value of nuclear weapons, making them more attractive to additional states. Furthermore, each nuclear weapon retained, especially on high alert, constitutes some risk of accidental or unauthorized use. Deep cuts in the nuclear arsenals have always been desirable, but more and more they are becoming indispensable to international security. In the long run, we will have to do more than we have in the past to move toward nuclear disarmament if we are to move away from the threat of nuclear proliferation.

The Russian START II ratification process appears to be on indefinite hold while war continues in the former Yugoslavia. Even after approval by the Duma, START II must return to the U.S. Senate for approval of the recent amendments, where it will be tangled up in the debate over the ABM Treaty agreements. So, with the best of outcomes, entry into force of START II is some time off. 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. This challenge must be addressed in a creative way, perhaps with informal arrangements for the short-term. But disarmament progress is crucial to the health of the non-proliferation regime, and with the first post-extension NPT Review Conference a mere year away, I would suggest we cannot afford to wait for true peace in the Balkans before taking actions.

If this challenge can be overcome, 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 deep cuts of this sort 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), should be concluded in the next 10-15 years.

Accordingly, consideration should be given to proposing for START III a level of 1,000 deployed strategic nuclear warheads, which would come close to the possible Russian 500 level in 2012 and this should facilitate constructive negotiations on transparency. Already, at 2,000-2,500, U.S. strategic force levels are likely moving below a true Russia-wide hard target kill capability (as opposed to a city-busting strategy) and thus a move to 1,000 probably would not have a fundamental impact on strategy. In the agreement to this first phase of reductions there would be a commitment to a second phase level of 1,000 weapons total, bringing in Russian tactical nuclear weapons as well as reserve weapons.

Once the second phase is complete, the U.S.-Russian level would then be low enough to make possible a five power negotiation to very low residual levels which could be the end point until the world has changed sufficiently to permit contemplation of a prohibition on nuclear weapons. Discussion of the verification requirements of a deep cuts Treaty regime should be included in these five-power negotiations, and the three threshold states should be involved in some way. This residual level reached pursuant to the deep cuts negotiation to which I have

referred could be 300 each for the United States and Russia, 50 for the United Kingdom, France, and China and zero for India, Pakistan, and Israel, but with their fissile material kept on their territory under International Atomic Energy Agency safeguards so as to permit reconstitution should the agreement break down. As an essential part of this, the non-nuclear weapon states would all pledge again their non-nuclear weapon status and agree to joint action against any state that should violate this obligation.

In many ways the danger of a major city being destroyed by a nuclear weapon is greater now than before. The United States, together with its NATO Allies, clearly commands the destructive power to deter those who can be deterred, but the prevention of proliferation to undeterrable actors has become a chief security concern that will require -- in addition to deep reductions in nuclear weapons -- revision of NATO's Cold War doctrine regarding nuclear weapons if the political value of nuclear weapons is to be lowered and the NPT regime remain viable. NATO's policy of reserving the right to use nuclear weapons first may well have been appropriate during the Cold War, but now it is inconsistent with our international commitments associated with the Non-Proliferation Treaty, the NPT, and a direct contradiction to our non-proliferation efforts. In 1995, in association with the effort to extend the NPT indefinitely, the United States, Russia, and the other three nuclear weapon states, undertook a formal commitment never to use or threaten to use nuclear weapons against non-nuclear weapon state parties to the NPT, now some 181 countries, unless they attacked in alliance with a nuclear weapon state (no exception was made for chemical or biological weapons). In 1996, the World Court found this commitment to be legally binding. Thus, this commitment, referred to as negative security assurances, was adopted as U.S. policy during the Carter Administration, but it now is a formal commitment of the five nuclear weapon states made pursuant to a resolution of the United



Nations Security Council. It was essential to the indefinite extension of the NPT and is essential to the continuance of the NPT as a viable regime. After all, if 181 nations are going to undertake never to acquire nuclear weapons, the least the nuclear weapon states can do is to commit not to threaten them with nuclear weapons. It is difficult to reconcile a NATO first use option with this commitment of the nuclear weapon states. The only states which this commitment does not apply to are Russia and China, because they are nuclear weapon states and India, Pakistan, Israel, and Cuba because they are not NPT parties. Surely we would not wish to initiate a nuclear war with Russia or China, thus if the United States, the United Kingdom, and France – the three nuclear weapon states in the Alliance – are to be faithful to their international commitments, the first use option rationally applies only to India, Pakistan, Israel, and Cuba, while it significantly damages our worldwide non-proliferation efforts. It is not easily justified when considered in this light.

The right to use nuclear weapons first was thought to be important to the defense of NATO during the Cold War because of the former Warsaw Pact's superiority in conventional forces. But since the fall of the Soviet Union and the dissolution of the Warsaw Pact, it is NATO which maintains conventional superiority in Europe greater than has ever been enjoyed by any force in history. Continued insistence that the most powerful conventional force in the world would need to use nuclear weapons first strains NATO's credibility, as well as the belief by the world's non-nuclear weapon states that their own security does not require a nuclear weapons guarantee. Declaration of a no first use policy is consistent with other appropriate steps away from excessive reliance on nuclear weapons, such as deep cuts in the nuclear arsenals and de-alerting.

The threat of use of chemical or biological weapons is not a valid reason to retain a first use policy. First, because the added deterrent value that nuclear weapons give beyond NATO's overwhelming conventional superiority is debatable. Second, because continuing to invest high political value in nuclear weapons erodes the nuclear non-proliferation regime, as described above, and impresses on the world that nuclear weapons are necessary instruments of policy. Third, because if we violate our international commitments not to threaten to use or use nuclear weapons against non-nuclear weapon states because we face chemical or biological weapon threats, we are inviting other states which also face serious chemical and biological weapon threats, such as Iran, to acquire nuclear weapons themselves. Fourth, chemical and biological weapon attacks are unlikely to cause a level of damage proportional to a nuclear response. Fifth, assuming a truly disastrous chemical or biological weapon attack were perpetrated against a NATO member state, one that would be proportionate to a nuclear response and that could not be stopped without resort to nuclear weapons, the longstanding international legal doctrine of belligerent reprisal would recognize our right to step outside our international commitments in self-defense. NATO's first use policy does not protect us against chemical or biological weapon attacks, but it makes nuclear proliferation, and other weapons of mass destruction proliferation more likely.

If the NPT is to be preserved, and the number of states and other groups armed with nuclear weapons is to be limited, all of the Treaty's states parties must work together towards its fundamental goal: the ultimate abolition of nuclear weapons. One milestone will be the Third Preparatory Committee Meeting next month for the year 2000 NPT Review Conference. The first two Preparatory Committee Meetings ended in diplomatic disaster, and the third is likely to do the same unless the nuclear weapon states do more to live up to their disarmament

commitments. But the NATO Summit, which will happen shortly before the NPT Preparatory Committee Meeting, is likely to reinforce the overly high political value of nuclear weapons by not revising the outdated, Cold War language which pervades the old 1991 NATO Strategic Concept document and which extols the value of nuclear weapons. The far too high political value of nuclear weapons, a relic of the Cold War, continues. The Indian Prime Minister said, in effect, after the tests last Spring, that *India is a big country now that we have the bomb*. If this high political value of nuclear weapons is not lowered, nuclear weapons will simply be too attractive politically and the 1945-era technology too simple to acquire for many nations to continue to forswear them. Nothing would do more to lower the political value of nuclear weapons and strengthen the NPT regime than to limit the role of nuclear weapons to the core deterrence function of deterring their use by others – in other words, a pledge by NATO that it will not introduce nuclear weapons into future conflicts – that it will follow a no first use policy. It is important to the security of the Alliance that it commit itself to a review of its nuclear weapon use policy after the April Summit and consider whether it is not in the interest of the Alliance to consider abandoning its Cold War motivated nuclear doctrine and adopt a no first use policy.

The first use policy does not protect the Alliance, but if it does not change, it may contribute to greatly increasing the threat of widespread nuclear proliferation. If we continue to insist that despite the greatest conventional military advantage the world has ever known - that conventional advantage were to be somehow not enough - we must explicitly retain the option to use nuclear weapons first, we are sending a clear message to the world: nuclear weapons are essential for security and greatness. The world is beginning to understand this message and before long it may be impossible to convince twenty, fifty, or a hundred nations otherwise. Last

year's nuclear tests in South Asia were a clear sign that the world's priorities are still skewed away from the welfare of people and towards weapons of mass destruction. As horrible as the images of poverty in India and Pakistan are, when considered alongside the pride of those governments in their nuclear status, we need not travel halfway around the world to find a country that values nuclear weapons above the abolition of hunger and poverty, we live in one. But we will not live that way in safety much longer, because if we continue to lead in this direction the world will surely follow. The national security in defense of which we hold nuclear weapons so dear will be forfeit and the safety of human civilization will be jeopardized. In such a world, security and greatness would be beyond the reach of all.