

## Panel II

### Issues of NPT Extension

The second panel discussion centered on the responsibilities of the major powers, with particular attention paid to the NPT Extension Conference, to be held in New York in April-May 1995. The principal speaker, Acting Deputy Director of the U.S. Arms Control and Disarmament Agency (ACDA) Thomas Graham, Jr., is scheduled to lead the U.S. delegation to the negotiations. The United States, he affirmed, "is committed to make every effort to secure the Treaty's indefinite extension in 1995."

Mr. Graham continued that "[t]he decision taken by a majority of the parties in 1995 is immediately legally binding on all parties no matter how they voted and without reference to national parliaments. This is possible because the decision mechanism is built into the Treaty." Article X.2 (see **Box** below) permits consideration of only three options: "whether the NPT shall continue in force indefinitely or shall be extended for an additional fixed period or periods." In Mr. Graham's view, as "a fundamental rule of legal construction," this provision "must be narrowly construed." Adoption of any other option would require Treaty amendment and necessitate time-consuming approval by national parliaments.

Moreover, Mr. Graham stated, "I firmly believe that the NPT must be considered on its own merits and not be held hostage to some other arms control measure." As "the cornerstone of the international nuclear nonproliferation regime," the NPT "transformed the acquisition of nuclear weapons from an act of national pride to one contrary to international law." Among other advantages noted by Mr. Graham, the NPT creates a framework for addressing regional proliferation problems and developing peaceful uses for atomic energy under IAEA safeguards.

"The progress ongoing in the arms control arena," Mr. Graham stated, "is unprecedented and is due, in no small part, to the stable international environment which has been facilitated by the NPT."



*Deputy ACDA Director (and former General Counsel) Thomas Graham addresses NPT extension issues as NSC Counselor (and former Standing Committee member) Richard Schifter looks on.*

Not only are the United States and Russia "pursuing arms reduction as rapidly as is technically possible," but negotiations are progressing on a Comprehensive Nuclear Test Ban Treaty (CTBT) that "will be an important part of our efforts to prevent the further spread of nuclear weapons . . ." Another future arms control development could be a treaty to ban production of fissile material. "In addition to ensuring that the NPT's contributions to global and regional security continue," Mr. Graham added, "a strong and permanent NPT would be an important source of leverage over those states outside the nonproliferation regime to join the NPT or adopt other measures to conform with established nonproliferation norms."

Former ACDA Director Ronald F. Lehman II, now at Lawrence Livermore National Laboratories, endorsed the indefinite extension of the NPT, but added that "we need to recognize that we are in a state of flux" after a period of euphoria about nonproliferation prospects following Desert Storm and the end of the Cold War. Today, he said, this optimism "has been replaced by a tremendous pessimism and concern

about the future of the whole nonproliferation regime and, in particular, about developments in areas of concern such as Korea and South Asia."

In Dr. Lehman's view, the initial euphoria resulted in "a certain amount of hostage-taking with respect to the Nonproliferation Treaty," by which countries sought to gain leverage by expressing reservations on indefinite extension. Lehman emphasized two U.S. policy priorities in this respect:

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### Nuclear Non-Proliferation Treaty

#### Article X.2

"Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty."

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cooled reactors which produce the plutonium, not to refuel the existing reactor, not to reprocess, to dismantle these facilities, and to expatriate the plutonium-containing fuel recently unloaded."

Dr. Carter noted that the DoD counterproliferation initiative evolved from the Administration's "bottom-up review," designed to reorient the U.S. defense establishment from its previous central task of deterring a global conflict with the USSR to dealing with regional conflicts where there exists "a very high probability" of WMD involvement. Drawing on the experiences of Desert Storm, the counterproliferation initiative seeks to reduce the possible leverage over U.S. military action represented by the threat of WMD use, while, at the same time, reinforcing efforts to prevent proliferation.

As co-chair of the DoD nuclear posture review, Dr. Carter emphasized that "nuclear weapons are now playing a smaller role in U.S. military security than at any other time in the nuclear age." The United States has the capability to deter and prevail with conventional forces and "will retain only the smallest nuclear arsenal consistent with our security needs." In conclusion, Dr. Carter pointed to recent "staggering changes" in U.S. nuclear posture including deep reductions in inventory, operations, and budget.

Commenting on Dr. Carter's presentation, Dr. Patrick Glynn, Resident Scholar at the American Enterprise Institute for Public Policy Research, agreed that the Ukrainian accord was a "substantial foreign policy achievement" and one instance of a "remarkable trend of pacification and reconciliation." However, he added that most remaining proliferation problems, including North Korea, "are truly intractable." Dr. Glynn warned against pushing "the war option" in Korea and admitted that the United States may have to live with "a large measure of uncertainty" and "some kind of North Korean nuclear capability." The United States can delay the process, "hoping that the internal instability in the regime will eventually cause some kind of political change."

Mitchell B. Reiss, Guest Scholar at the Woodrow Wilson International Center for Scholars, chided Nunn-Lugar program implementation, noting that "very little of this funding has actually found its way

to the states of the former Soviet Union." He raised the specter of a "brain drain" of scientists departing the former Soviet Union to destinations of proliferation concern. A third discussant, Rick E. Yannuzzi of the CIA Nonproliferation Center, noted that the strategic planning process established by the intelligence community "is designed to enhance intelligence support to nonproliferation while impacting a broad array of consumers. Future intelligence activities will need to be proactive, effective, comprehensive, integrated, affordable, accountable, and flexible."

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first, "we must sustain our ability to live up to our commitments" in the security area in order to discourage the proliferation temptation. Second, "the United States is going to have to work on a multina-

tional basis, but, because of the evolutionary state of organizations and relationships, in some cases it's going to be formal, but in other cases it's going to be rather *ad hoc*, like the coalition in Iraq." The key test is North Korea, where what is generally regarded as "the centerpiece of

international security for the future" is being "threatened by a flagrant violation of a party."

The second discussant, former Under Secretary of Defense Stanley R. Resor (presently in private practice), pointed to the threat to the NPT regime from the Administration's proposed reinterpretation of the Anti-Ballistic Missile (ABM) Treaty. According to Mr. Resor, "[t]he Administration's effort to deploy such an expensive missile defense suggests the United States has concluded that the NPT and the expanded Missile Technology Control Regime [MTCR] will prove ineffective in stemming nuclear proliferation." He continued: "This creates an environment inconsistent with persuading non-nuclear weapons states to agree to indefinitely renounce nuclear weapons." Mr. Resor's proposed solution was to seek a definition permitting deployment of limited systems like Patriot Advanced Capability-3 (PAC-3) and the Extended Range Interceptor (ERINT), along with a tightening of MTCR controls and possible restrictions on medium-range missile deployments.

In his comments, Ambassador Nugroho Wisnumurti, Permanent Representative of Indonesia to

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**—Thomas Graham**

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the United Nations, enumerated the demands of the non-nuclear states under the NPT, incorporating "an end to the increase of strategic arsenals," "assurances of non-use of nuclear weapons," and "a time-table for nuclear arms control measures." According to Ambassador Wisnumurti, "the Tenth Summit Meeting of Non-Aligned Countries, held in Jakarta during September 1992, called for a fresh appraisal of the commitments undertaken by the depositary states in determining the treaty's extension beyond 1995." These concerns include agreements on a CTBT and fissile material cutoff, transfer of fissile material to IAEA safeguards, and formal security assurances. "Unless the areas of contention and discord are reconciled," he stated, "the treaty may well collapse under the weight of its own contradictions. This should not and must not happen."