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The Future of Nuclear Disarmament: Necessary Steps

Remarks by Ambassador Thomas Graham, Jr.
President of the Lawyers Alliance for World Security
Institut de Relations Internationales et Strategiques
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Fifty years ago, the NATO Alliance, the most successful alliance in history, was created to check the expansion of Soviet communism, to keep Europe free from totalitarian oppression. Two weeks ago, the Alliance gathered in Washington for a celebration of its success and the collapse of the communist threat to the freedom of Europe, and to look toward the future. NATO is adapting to Europe's contemporary security challenges. The most obvious among them now is the defense of the peoples of the Balkans against tyranny and genocide. This challenge must be met, but it is not the most grave threat to the ultimate security of the Alliance, and it is not the one that will require the most adaptation by NATO.

The chief long term threat to the security of NATO today is the spread of nuclear weapons to irresponsible hands. This is the threat that will require NATO to adjust the most because the Alliance relied for so long on nuclear weapons to offset the conventional superiority of the Communist Bloc in Europe. The value attached to these weapons throughout the Cold War has left a global impression that they are desirable and moreover essential to the security of states. This high

political value must be reduced if the proliferation challenge is to be contained. Nuclear weapons represent the state of the art of 1945 technology which is becoming ever more widely available and the most difficult obstacle in the construction of a nuclear weapon is the acquisition of nuclear explosive material – which is currently secured under increasingly difficult conditions at many sites in Russia and the New Independent States. Despite our best efforts to prevent the diversion or theft of fissile material, we can no longer be certain that the know-how and material to build nuclear weapons can be kept out of dangerous hands. Our principal defense against widespread nuclear proliferation is political. We must avoid a world in which nuclear weapons are widely sought because many of the barriers to acquisition of these weapons are eroding and because they are considered essential to security and influence as well as increasingly to sovereignty.

Recognizing this as early as the 1960s, the international community negotiated the Nuclear Non-Proliferation Treaty, the NPT. Through this agreement, all but four of the world's states have legally bound themselves to work to prevent the spread of nuclear weapons, to share the benefits of peaceful nuclear technology, and to advance toward the ultimate goal of nuclear disarmament. The international legal norm codified by the NPT is the main reason there are only a handful of states armed with nuclear weapons today, rather than the twenty to thirty predicted by the Kennedy Administration to have these weapons by the 1970s, expanded perhaps to twice as many or more by today. By holding nuclear proliferation in check, the NPT forms the foundation of arms control and a key bulwark against global instability.

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 eventual 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 never to 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 the essence of NPT and the basis of negotiated international security today and which made all subsequent nuclear arms control possible.

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 was in the early 1960s, then two of the countries most likely to have acquired nuclear weapons under such a policy would have been Yugoslavia and Iran. Governments change. If the Serbian President had nuclear weapons at his disposal today, the United States and NATO would be in serious danger; and it is a valuable exercise to ask ourselves what really stands between Milosevic 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.

Unfortunately, in 1999 there are reasons to believe that the NPT, the civilized world's principal defense against the widespread proliferation of nuclear weapons, is in jeopardy. Overt nuclear proliferation in South Asia amid fervent denunciation of the NPT as a discriminatory regime and other ominous developments in Northeast Asia and the Middle East, combined with continued reliance on grossly oversized nuclear arsenals by the most powerful nations in the world, threatens to upset the delicate balance on which both nuclear non-proliferation and further disarmament progress depend.

The NATO Alliance, as a group of 19 NPT states parties including three nuclear weapon states, is bound to the objects and purposes of that Treaty, including the Article VI obligation to work toward the goal of nuclear disarmament. If NATO is to be the provider of security in the Euro-Atlantic area, even beyond its borders, it must begin by showing leadership in combating the primary threat to world security: the proliferation of nuclear weapons.

In his memoirs, containment architect George Kennan described his reaction to Soviet military power by comparing the West to “a man who has let himself into a walled garden and finds himself alone there with a dog with very big teeth. The dog, for the moment, shows no signs of aggressiveness. The best thing for us to do is surely to try to establish...the assumption that teeth have nothing whatsoever to do with our mutual relationship.”

Well, for fifty years we have bared our teeth and made them the measure of ourselves, embracing armed confrontation against communism as if it were the strategy of our own choosing, instead of a response imposed upon us by an external threat. We have let nuclear weapons define our strength, and the strength of our enemies, when freedom and democracy should have defined our strength and their weakness. In the end, it was the political will of the peoples of Russia and Eastern Europe rather than NATO teeth that devoured Soviet tyranny. And it bears remembering that it was not the nuclear “teeth” of the Soviet leadership that failed them; indeed, these “teeth” -- the former Soviet nuclear arsenal, now chipped and jagged -- continue to threaten us long after the clash of ideologies has ended. Containment was a far more effective political strategy than it ever was a military objective.

But now the purpose of NATO’s nuclear “teeth,” to demonstrate the resolve of the West to support containment through force if necessary, is over. Nuclear weapons do not offer any assistance in resolving the situation in Kosovo, and the Russians, for financial reasons, want to

negotiate the deep cuts that prudent observers like the members of the Canberra Commission and the U.S. National Academy of Sciences recommend. Despite all this change, NATO's nuclear teeth remain bared, now seemingly against the consolidation of the very victory over totalitarianism that NATO was formed to achieve.

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. 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 action.

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 weapon 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 the level of 500 strategic systems for economic reasons by 2012, however, it would appear that the Russians will not 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 financial concerns are driving Russia. However, the United States would only consider reductions of this sort if the Russians are prepared to negotiate 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 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 there has been sufficient change in the world to permit contemplation of a prohibition on nuclear weapons. Discussions of the essential intrusive 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 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 safeguards so as to permit reconstitution should the agreement break down. India, Pakistan and Israel could join the NPT as did South Africa. As an essential part of such an agreement, the non-nuclear weapons states would all become part of the new intrusive verification regime, 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 an individual 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 effective in retarding the proliferation risk. NATO, in its Communique from the Washington Summit, has stated its willingness to undertake such a review to begin later this year. Thus, consideration of specific changes in Alliance nuclear doctrine is timely. Adoption of a no first use policy should be first among these specific changes.

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 international commitments associated with 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 pledged not first use but rather never to use, or threaten to use nuclear weapons against non-nuclear weapon states parties to the NPT, now some 181 countries -- most of the world -- 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 these commitments to be legally binding. Thus, these commitments, referred to as negative security assurances, were adopted as policy during the 1970s, but are now formal commitments of the five nuclear weapon states made pursuant to a resolution of the United Nations Security Council. They were essential to the indefinite extension of the NPT and are 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 these commitments by the Alliance's nuclear weapon states. For the Alliance nuclear weapon states, the only states to which these commitments do not apply are Russia and China, because they are nuclear weapons 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 NATO first use option rationally applies only to India, Pakistan, Israel, and Cuba, while it damages NATO's worldwide non-proliferation efforts. It is not easily justified when considered in this light.

The first use policy does not protect the Alliance, but if it does not change, it may contribute to increasing the threat of widespread nuclear proliferation. If we continue to insist that despite the greatest conventional military advantage the world has ever known 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. It is community of purpose among free societies, not nuclear weapons, which binds the NATO Allies together. If, at fifty, the NATO Alliance must rely on nuclear weapons to reinforce its political solidarity, its future is questionable. A vital Alliance, made up of nineteen responsible members of the world community, which seeks to promote the values of freedom and democracy and the rule of law must accept that if it does not work to reduce the political significance of nuclear weapons, security may be beyond its reach.