



**Lawyers Alliance for World Security
Committee for National Security**

1901 Pennsylvania Ave., NW, Suite 201, Washington, DC 20006
tel: (202)745-2450 fax: (202)667-0444 e-mail: disarmament@lawscns.org

Mark P. Schlefer
LAWS Chairman
Thomas Graham, Jr.
LAWS President
Nancy Ignatius
CNS President

LAWS Board

Edward A. Aguilar
Donna E. Baker
Bruce Blair
George Bunn
David Clinard
Ellen C. Craig
Alan Cranston
Adrian W. DeWind
Michael F. Donlan
Lewis A. Dunn
J. Stephen Ducus
Susan Eisenhower
Harold D. Field, Jr.
Philip A. Fleming
Rosemarie Forsythe
J. Edward Fowler
James E. Goodby
Seth Grae
Thomas Graham, Jr.
Jonathan G. Granoff
Melanie Greenberg
Dan Hovdysch
Shirley M. Hufstедler
Nancy Ignatius
Bonnie Jenkins
Barry Kellman
Lawrence J. Korb
James F. Leonard
Hans F. Loeser
Leonard M. Marks
Robert McNamara
Jack Mendelsohn
Michael Newlin
Janne E. Nolan
Herbert Okun
Alexander Papachristou
Daniel B. Poneman
Mitchell Reiss
Stanley R. Resor
John B. Rhinelandier
Elizabeth Rindskopf
Donald H. Rivkin
Douglas Roche
Thomas A. Robertson
Wm. Warfield Ross
Edward Rubinoff
Lowell E. Sachnoff
Anthony P. Sager
Paula L. Scalingi
Mark P. Schlefer
Alice Slater
McNeill Smith
Palmer Smith
Louis B. Sohn
Suzanne Spaulding
Jessica E. Stern
James Sweeney
Edward Tanzman
Stansfield Turner
Louise Mead Walker
Sheryl L. Walter
Allan Weiss
Frederick C. Williams
Adam Yarmolinsky

CNS Executive Council

Bruce Blair
Philip A. Fleming
James E. Goodby
Seth Grae
Nancy Ignatius
Lawrence J. Korb
James F. Leonard
Elizabeth Rindskopf
Mark P. Schlefer
Stansfield Turner
Louise Mead Walker
Adam Yarmolinsky
Paul C. Warnke
Honorary Chairman

Printed on recycled paper.

The Prospects for Five Power Negotiations on Disarmament

Remarks by Ambassador Thomas Graham, Jr

President of the Lawyer Alliance for World Security

February 2, 1999 – Mexico City

During our initial consultations with Ambassador Moreno last August, Ambassador Sweeney and I were interested to learn that the possibility of disarmament negotiations among the five nuclear weapon states was mentioned high among issues of interest to the Mexican side. I am pleased for the opportunity to analyze this important issue, which is very familiar to me as it comes up frequently in Washington and during my travels around the world. Although strategic nuclear arms reduction negotiations have, until now, been the exclusive province of the former Soviet Union and the United States, it is clear to all concerned observers that the ultimate objective of the NPT, a nuclear weapon free world, cannot be achieved by two states alone. The following is a discussion of how negotiation among the five nuclear weapons states might come about.

During the global discussion leading up to the indefinite extension of the NPT in 1995, I had occasion to travel to a large number of capitals of NPT parties to discuss the objectives of the Treaty. In these visits to capitals, and in bilateral consultations with representatives of the governments of over a hundred nations

on the topic of non-proliferation and disarmament, I was frequently asked why the United States is opposed to a convention banning nuclear weapons. My response was that in fact, the United States and all other NPT parties are bound to work toward the ultimate abolition of these weapons. Although very little progress was made before the end of the Cold War, the U.S. has been willingly legally bound to this objective for nearly thirty years. The NPT is clearly a Treaty calling for the ultimate abolition of nuclear weapons; no amount of debate over conditions or punctuation changes that.

However, the abolition of nuclear weapons is not an easy task. It is imperative that a regime like Saddam Hussein's be denied the capability to act outside such a pact to acquire a few weapons with which to hold the world hostage. There would have to be an iron-clad system of verification and enforcement, which could identify and terminate prohibited weapons development with overwhelming force, if necessary. Such a regime would require an unprecedented degree of transparency and its members would have to be willing to accept on-site inspections at even their most sensitive facilities on short notice.

Deep cuts in the existing nuclear arsenals are a crucially important step toward nuclear disarmament and likely are necessary to set the stage for pursuit of such a regime. Further progress towards nuclear disarmament is crucial to the continued viability of the NPT regime. 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.

Once more, the START II ratification process appears to be on hold after the December attack on Iraq, with no way to be certain when the Duma might take it up. 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 Anti-Ballistic Missile 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 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 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 happen in the next 10-15 years.

Accordingly, in my judgement 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 could 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 numbers which could be the residual level until the world has changed sufficiently to permit contemplation of a Treaty on the prohibition on nuclear weapons along the lines I discussed earlier. 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 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 norm. There is no reason that the five nuclear weapon states, and India, Israel, and Pakistan, with other interested states perhaps present as observers, could not begin

exploratory discussions on related issues now, like transparency and verification, at an early date, long before negotiations of five power levels can begin.

A medium- or long-term plan to enact deep cuts, however, may not be possible or prudent without short-term efforts aimed at preventing the further proliferation of nuclear weapons. Statements made by Prime Minister Vajpayee after the Indian nuclear tests to the effect that “India is a big country” now that it has nuclear weapons are evidence that a troubling psychology still exists. The perceived political value of nuclear weapons remains too high and the 1945-era technology required to produce them is too simple, to be confident that a condition will not develop that could prompt a string of nations to try and enhance their international standing via the acquisition of these weapons.

In addition to taking prompt steps to bring the U.S. and Russian arsenals down to levels at which disarmament discussions among the five can begin, further action should be taken to reduce the political value of nuclear weapons, in my opinion, such as the adoption of a no first use policy with regard to nuclear weapons. The 1997 Report of the National Academy of Sciences, *The Future of U.S. Nuclear Weapons Policy*, linked deep cuts and the adoption of a no first use policy. The Report argued that nuclear weapons should be limited to the core deterrence role of deterring their use by others. This would do a lot to reduce the political value of nuclear weapons should the five nuclear weapon states adopt such a policy. This would be an important corollary action to the arms reduction effort that would help the world understand that the nuclear weapon states are committed to and actively working toward disarmament and it would be important for our nuclear non-proliferation policies as, except for retaining a first use option against Russia, China, India, Pakistan, Israel, and Cuba, (nuclear weapon states and states not parties to the NPT) retaining the first use option is inconsistent with the security assurances the

nuclear weapon states gave in 1995 in connection with the indefinite extension of the NPT. The nuclear weapon states promised in these assurances which are an important part of the NPT regime to never use or threaten to use nuclear weapons against non-nuclear weapon state NPT parties (some 181 countries) unless attacked by them in alliance with a nuclear weapon state. The nuclear weapon states could work together to establish and harmonize no first use policies, making use policy another fruitful area for five power discussions before very low force levels are achieved.

Through the NPT, all but four of the world's nations are legally bound to work towards the elimination of nuclear weapons; it is essential that this commitment be maintained and strengthened. The arms reduction process must continue and be multi-lateralized on the road toward ultimate nuclear disarmament. Deep cuts in the nuclear arsenals, coupled with other actions by the nuclear weapons states to reduce the political value of nuclear weapons, will be necessary if the NPT is to survive in the long term and if widespread nuclear proliferation is to be averted.

While the deep cuts negotiations themselves must be conducted among the five if they are to be effective and as rapid as possible, other states have a great deal to contribute. In the end, five states acting alone cannot abolish nuclear weapons. The verification and enforcement measures that would be necessary for such a step are at best decades away from being in place and will require the input of many nations, especially those most committed to disarmament, like Mexico. Having always stood aloof from the nuclear weapons option, Mexico has maintained the moral high ground necessary to diplomatically push the nuclear weapon states for progress from the "outside." This is an important role and a great strength of Mexico, but it is not all that Mexico can or should do. Disarmament should be more than a passion of Mexican diplomats, it

should be an urgent task of Mexican scientists, engineers, and security forces. The nuclear weapon states have built for themselves an enormous technical burden in the shape of their nuclear arsenals and nuclear weapons complexes. Much of this they must bear alone, but there is also much room for contributions from other states in the areas of development of verification technologies and low-cost solutions for the security and defense conversion problems the nuclear weapon states face. The successful abolition of nuclear weapons will require the forfeiture of considerable elements of traditional sovereignty by all states, and the sooner someone conceives of that regime, the more likely progress toward it will become.

All states have security interests that are threatened by nuclear weapons and all states should be active in the pursuit of the abolition of these weapons; that is the core of the NPT. China, France, and the United Kingdom each maintain their nuclear arsenals for different reasons which will remain unchallenged and largely unexamined until they are drawn into the arms reduction process. If the United States embraces the Russian need for deep cuts as an opportunity, force levels may be low enough within ten to fifteen years to include the other three in discussions of numbers, but even before that it is possible, as I said earlier, that discussions can begin on related issues like verification, transparency, and enforcement. But these five power discussions should be a starting point, not an ending point. The entire NPT community needs to be drawn into consideration of these issues as it is their duty under Article VI of the Treaty; disarmament is not just for those with nuclear arms and “negotiations in good faith” imply more than assigning blame. The five nuclear weapon states do have special responsibilities, but to a degree their own inertial belief in the value of nuclear weapons may in many cases retard their efforts to meet the conceptual and technical challenges of disarmament. States like Mexico, who are international leaders but who are not burdened by this belief can

play an important role; it is very easy to say “zero,” but it will take all of mankind to make it happen.