Remarks by
Thomas Graham, Jr.
President of the Lawyers Alliance for World Security
on

The Future of Nuclear Disarmament

Nuclear arms control is at a turning point. Remarkable progress has been made over the last few years; goals beyond our reach for decades have finally been achieved: the Comprehensive Test Ban Treaty has been signed and an initial reversal of the superpower arms race has been negotiated through the Strategic Arms Reduction Treaty process. The Nuclear Non-Proliferation Treaty has been strengthened and made permanent and South Africa, Ukraine, Kazakstan, Belarus, Argentina, and Algeria have all forever forsworn nuclear weapons and become parties to the Nuclear Non-Proliferation Treaty (NPT).

Amid all this important progress, we are in at least as much danger from nuclear weapons as we have ever been. We face a new nuclear threat today, 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. Not long 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

Thomas Graham, Jr., previously served as President Clinton's Special Representative for Arms Control, Nonproliferation and Disarmament, and as the Acting Director, Acting Deputy Director, and General Counsel of the U.S. Arms Control and Disarmament Agency (ACDA)

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. The threat is real.

While nuclear arms control does not offer an easy solution to this problem, it is the best of a very few tools with which we can even begin to address this threat. It falls on the nuclear arms control community, those with the most relevant experience in this area and the most acute awareness of it, to bolster the international nuclear nonproliferation regime so that the use of nuclear weapons can be avoided.

The Treaty on the Nonproliferation of Nuclear Weapons, the NPT, is the cornerstone of international efforts to prevent the further spread of nuclear weapons. The NPT is often criticized as being less than perfect. But having been integrally involved in the negotiation of its indefinite extension in 1995, there is no doubt whatsoever in my mind that the NPT is the only agreement of its kind that we are going to get in the foreseeable future -- it binds all but five of the world's nations to the idea that the further spread of nuclear weapons is illegitimate and illegal. We cannot afford to play philosophical or academic games with our best defense; we need to keep faith with its commitments, strengthen it, and move towards its full implementation as quickly as we are able.

The NPT defined the international nonproliferation regime. The United States acquired nuclear weapons in 1945; the Soviet Union followed suit in 1949, followed by the United Kingdom in 1952, France in 1960, and China in 1964. This increase in the number of nuclear weapon states took place against the background of predictions during the 1960s of 25 - 30 nuclear weapon states -- meaning states with nuclear weapons being

integrated into their military arsenals -- by the late 1970s. If such a trend had continued unchecked that number could probably be doubled for 1997. Imagine for a moment a world in which 60 countries had independent nuclear arsenals. That is the reality we averted by negotiating the NPT, and that is the reality we could face again if we do not keep faith with our disarmament commitments under the NPT. But today the threat would be immeasurably worse because if we cannot limit the spread of nuclear weapons among states we also cannot limit the spread of nuclear weapons to terrorist organizations or criminal conspiracies. We cannot stop the diffusion of 1945 technology forever. And fissile material may be for sale. If we deal with nuclear proliferation as a technical problem, we will, eventually fail.

Proliferation is a political problem, and it demands a political solution, of which the NPT is a solid foundation. Advancing the cause of nuclear disarmament may not, in the end, be enough to avert disaster, but it is the only approach that offers any hope of limiting the problem; it is the only proven technique. The change the NPT made in the international consciousness regarding nuclear weapons was marked. Before the NPT entered into force in 1970, the acquisition of nuclear weapons had been a point of national pride. The NPT, by establishing a norm of international behavior, converted this former act of national pride into a violation of international law. The first French nuclear weapons test was greeted with banner headlines in Paris. Fourteen years later, after the NPT entered into force, the first Indian nuclear test was conducted, figuratively in the middle of the night, and euphemized as a "peaceful nuclear explosion." The number of declared nuclear weapon states is still the same as it was in 1968 when the NPT was signed — five. There remain three states outside the NPT world system with

unsafeguarded nuclear facilities, and compliance problems have occurred with two or three parties -- but 185 countries have become parties to the NPT. There are now only five states that are not part of the NPT regime -- Brazil, Cuba, India, Pakistan, and Israel, and Brazil has announced that it will join soon. The NPT changed the way the whole world thinks of nuclear weapons.

This change was not limited to the non-nuclear weapon states; the commitments of the nuclear weapon states are crucial to the health of the NPT regime and to the future of nuclear arms control. The indefinite extension of the NPT, with the associated agreed Principles and Objectives, became an invaluable tool with which to promote specific nuclear disarmament objectives. "Keeping faith with New York" was a critical argument for the United States moving to closure on the CTBT and becoming a protocol signatory to the South Pacific and African Nuclear Weapon Free Zone Treaties. The international nonproliferation regime depends at least as much on what happens in Washington, Moscow, London, Paris and Beijing as it does on what happens in New Dehli, Tel Aviv, Islamabad, Pyongyang, Baghdad, or Tehran. The NPT defines a balance of obligations between the nuclear weapons states and the non-nuclear weapons states. The non-nuclear weapons states agree to never acquire nuclear weapons. The nuclear weapons states agree to engage in 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 has made all subsequent nuclear arms control possible for the nuclear weapon states and necessary to their security from the standpoint of preventing proliferation.

The NPT is unmistakably a Treaty on the abolition of nuclear weapons. Good faith negotiations toward nuclear disarmament are explicitly mandated in Article VI of the Treaty and the process by which the Treaty was indefinitely extended made that clear. During the NPT indefinite extension debate I spoke with several Ambassadors from countries in the developing world who told me that their countries could not accept second class status forever. In going along with an NPT of indefinite duration they did not agree to the indefinite extension of special privileges for the five nuclear weapon states. They understood that the abolition of nuclear weapons is not conceivable today, a year from now, and perhaps not for several decades. But it is the obligation of all States Parties to the NPT to work toward a world free of nuclear weapons; and this means doing everything that is possible under current conditions to minimize the role nuclear weapons play in the world. The NPT is the principal line of defense of the civilized world against the increasing risk that nuclear weapons might actually be used by unstable states, dissident sub-national groups, terrorist organizations, and criminal conspiracies. In order for the NPT regime to remain strong and viable the crucial commitment embodied in Article VI and the New York Principles and Objectives -- continued vigorous pursuit of nuclear disarmament -- must be met.

As important as the progress to date has been, more progress is essential in the near term if we are to keep the NPT regime strong. The U.S. National Academy of Sciences has recently released a report recommending that nuclear forces be reduced far more and limited to the "core deterrence" role of simply deterring the use by others of nuclear weapons. The report urges that the United States and Russia reduce as soon as practicable to 1,000 total nuclear weapons -- as opposed to 3,500 strategic weapons each

under START II and 2,000 contemplated under START III. The Report urges that promptly thereafter the other three nuclear weapon states be drawn into negotiations aimed at a residual level of 200 - 300 total weapons for the United States and Russia (less for the other three) until the world has changed sufficiently for the ultimate abolition of nuclear weapons to become possible. The Academy further recommends that the United States adopt a "no first use" policy with regard to nuclear weapons as part of the limiting of nuclear weapons to the "core deterrence" function and downgrading their political value (most important for non-proliferation objectives). These are prudent and timely objectives on the long road to a world free of nuclear weapons.

Now, however, domestic politics within Russia and the United States threaten the momentum toward nuclear disarmament built since the end of the Cold War. The U.S. Senate has made clear its view that f the Duma fails to ratify START II the United States should not reduce its nuclear arsenal below START I levels. Critics of deep cuts in the nuclear arsenals on both sides raise the specter of a renewed Cold War at some time in the future; apparently they would prefer to face renewed tension with more rather than fewer nuclear weapons, although I, for one, would not. An abundance of transient political problems are threatening to derail the nuclear disarmament process.

One such potential political threat deserves particular mention: the danger that the U.S. Senate may refuse to give its advice and consent to ratification of the CTBT. Those who care about nuclear disarmament in the United States and throughout the world won a glorious victory when the CTBT was signed, but the struggle is not over. Consolidation of this landmark achievement is crucial to the future of nuclear disarmament - we cannot significantly reduce nuclear weapons without permanently eliminating nuclear testing -

but numerous political dangers and obstacles stand between today and the day the U.S. will ratify the Treaty. The bold commitment made by former Energy Secretary Hazel O'Leary that her Department could meet the challenge of ensuring the safety and reliability of the U.S. nuclear arsenal in the absence of nuclear explosive testing and former Chairman of the Joint Chiefs Colin Powell's unprecedented acceptance of that commitment jointly made the conclusion of the CTBT possible for the United States; and the science-based stockpile stewardship program was an essential underpinning of this commitment.

Some may not like the idea of subcritical tests and computer simulation of atomic explosions. This program is essential to keeping an important commitment to future generations, the commitment to end nuclear explosive testing forever. Further, the stockpile stewardship program unequivocally will not lead to new types of nuclear weapons. However, strident criticism of the U.S. stockpile stewardship program could threaten the ratification of the CTBT in the Senate. Since this program was explicitly part of the bargain that allowed the U.S. to sign the CTBT, without it the Treaty likely will fail to secure U.S. Senate approval. No one is saying that it must be sacrosanct and that certain specific parts cannot be questioned as unproductive expenditures of funds. But the program as a whole deserves our full support.

CTBT ratification should be one of our highest priorities right now; it is within our reach but it will not be easy. The entry into force of the CTBT is the single most important step that the world community can take at this time toward nuclear disarmament and we must apply all our efforts to achieve it as soon as this can be done. We will succeed, but we must not relax until we have. Other goals may be somewhat

farther off, but also deserve our attention to creative and realistic solutions to move the disarmament process forward. Effective arms control comes from pursuing achievable objectives vigorously; we must get what we can when we can. We must not allow the perfect to be the enemy of the good.

Mutual unilateral reductions, like those proposed by Presidents Bush and Yeltsin in 1991 for tactical nuclear weapons, could offer a possible way to sidestep the current impasse on START II in the Duma if it is not soon resolved. Russian officials have indicated willingness to consider further reductions. We must seek further progress in disarmament, such as the conclusion of a no first use agreement among the five nuclear weapon states and over time deep cuts in the nuclear arsenals down to minimal levels of nuclear weapons maintained only for the purpose of "core deterrence," as recommended by the National Academy of Sciences. This should be the next phase in the disarmament process. Of course, strategic nuclear arms reductions below START II levels cannot take place unless each side has total and complete confidence in the actions as well as the intentions of the other. Unprecedented and comprehensive transparency measures will be necessary. The nuclear disarmament process will grow ever more complex as we move toward lower and lower levels of nuclear weapons. As we approach zero, arms control verification will take on an entirely new character. Considerations of enforcement will play an ever increasing role. We will not solve all these problems overnight, and that is why we must continue to apply ourselves to them constantly. The arms control community bears special responsibility because we are aware of the problem. There is no higher security priority.

A strong NPT regime is our best defense. And disarmament progress is absolutely essential to the strength of the NPT regime. The good news is that views regarding the role and utility of nuclear weapons can be changed; the NPT has demonstrated that. But change will almost always occur gradually and at the margins. We must keep the pressure on and keep our ultimate goal of a world free of nuclear weapons always in sight, if we are to survive this period in which the world can neither control nor abolish nuclear explosive technology. Today, it is technically possible for a terrorist organization with a nuclear weapon to cause death and destruction on a scale that only a major armed conflict could have caused half a century ago. We will be judged very harshly by future generations if we do not do everything in our power to prevent that from happening.