

Ambassador Thomas Graham, Jr.

The Nuclear Non Proliferation Treaty, a Strategic Bargain

Peace and Security Legislative Strategy Retreat

Washington DC

January 15, 2009

Soon after the end of World War II, as a central symptom of the Cold War, a vast nuclear arms race between the United States and the Soviet Union came into being. The United States conducted its first atomic weapon test in July, 1945 and a few weeks later used nuclear weapons against the Japanese cities of Hiroshima and Nagasaki. The Soviet Union carried out its first nuclear test in 1949. The bomb used against Hiroshima had an explosive yield of 12.5 kilotons, the equivalent of 12,500 tons of TNT. This weapon completely devastated the city of Hiroshima, killing some 200,000 people out of a total population of approximately 330,000. But with the first thermonuclear weapon tests by the United States and the Soviet Union just a few years later in the early 1950's, nuclear test explosions were in the megaton range- one million tons or more TNT equivalent- roughly 1000 times more powerful than the bomb that destroyed Hiroshima.

During the Cold War and thereafter, the United States built some 70,000 nuclear weapons, the Soviet Union around 55,000, and at the peak the United States had 32,500 weapons in its stockpile, the Soviet Union some 45,000. And there was a perceived risk that these weapons might simply spread all over the world. During the Kennedy Administration there were predictions that there could be in the range of two dozen nuclear weapon states, with nuclear weapons integrated into their national arsenals by the end of the 1970's. President Kennedy in response to a reporter's question in March of 1963 said "...personally I am haunted by the

feeling that by 1970...there may be 10 nuclear powers instead of 4, and by 1975, 15 or 20... I regard that as the greatest possible danger and hazard.”

If such anticipated proliferation had in fact happened, there could indeed be far more than two dozen nuclear weapon states in the world today. Mohamed El Baradei, the Director General of the International Atomic Energy Agency, expressed this concern in 2004 when in a speech in Washington DC, he said, “The danger is so imminent...not only with regard to countries acquiring nuclear weapons but also terrorists getting their hands on some of these nuclear materials- uranium or plutonium.” Thus, under such circumstances, potentially every significant conflict could have brought with it the risk of going nuclear, and it might have become extremely difficult to keep nuclear weapons out of the hands of terrorist organizations, they would have become so widespread.

When President Kennedy became so concerned about nuclear weapon proliferation, the United States had 22,229 nuclear weapons in its arsenal, the Soviet Union 2,450 and the United Kingdom 50. The total is a smaller number of nuclear weapons than exist in the world today. While from the earliest of days in the nuclear era it had been clear that it was necessary to prevent the spread of nuclear weapons, early attempts to prevent proliferation of nuclear weapons did not succeed. A watershed was in 1961 when the United Nations General Assembly unanimously passed a resolution, introduced by Ireland, which called on all states to conclude an international agreement prohibiting the transfer or acquisition of nuclear weapons.

It was hoped that this resolution would pave the way for rapid agreement on a treaty constraining further nuclear proliferation. However, this was not to be the case. Nothing was done for four years. However, in 1965 the UN General Assembly took up the subject again. A new resolution was passed which over the next few years proved to be the blue print of the

Nuclear Nonproliferation Treaty, The NPT. The NPT was signed in 1968 and entered into force in 1970, and came to be recognized as the principal reason- along with the parallel extended deterrence policies of the United States and the Soviet Union- that President Kennedy's darkest fears were not realized during the Cold War.

This resolution in 1965 called for the negotiation of an international treaty to prevent the proliferation of nuclear weapons based on the following additional five principles:

1. The Treaty should not permit the proliferation of nuclear weapons in any form
2. The Treaty should embody an acceptable balance of obligations between the nuclear and non nuclear parties.
3. The Treaty should be a step toward disarmament, particularly nuclear disarmament.
4. There should be acceptable provisions to ensure the effectiveness of the treaty.
5. Nothing in the Treaty should adversely affect the right to establish independent regional nuclear weapon free zones.

The NPT was negotiated at the Eighteen Nation Disarmament Committee (ENDC) (which later evolved into the present day Conference on Disarmament in Geneva, Switzerland with 61 members). Thus, the negotiating group of states had 18 members, but one of these, France, did not participate. As a result, the NPT was actually negotiated by 17 states, 15 plus the United States and the Soviet Union, the two co-chairmen of the negotiations. Eight of these members of the ENDC considered themselves to be nonaligned (which included Egypt, Sweden, India and Mexico, all prominent in disarmament matters). These states made it clear in 1965 that any measures to prohibit nuclear proliferation must be accompanied by measures to halt the nuclear arms race and to limit, reduce, and eliminate existing stocks of nuclear weapons. Thus, from the

very beginning to a large majority of the non-nuclear weapon states to be party to the emerging NPT, the concept of balanced obligations in the NPT between the nuclear weapon states and the non nuclear weapon states was a major principle. Put another way, the NPT is based on a central strategic bargain that balances the obligations of the two sets of parties. Most of the world, the NPT non nuclear weapon state parties, undertake never to acquire nuclear weapons and in return the five NPT nuclear weapon states (the United States, the United Kingdom, Russia, France and China) pledge unfettered access to peaceful nuclear technology and to pursue disarmament negotiations aimed at the eventual elimination of their nuclear stockpiles.

This latter obligation is set forth in Article VI of the NPT. During the negotiations the nonaligned members of the ENDC tried hard to have the NPT contain specific language implementing the balanced obligations concept. India and Sweden proposed a number of measures, such as security assurances, limits on nuclear weapons, a comprehensive nuclear test ban and a termination of the production of fissile material for weapons. Mexico and Romania also pressed for specific measures. However, this proved to be not acceptable to the United States and the Soviet Union, so Mexico proposed an alternative “to pursue negotiations in good faith,” the language of Article VI. But from this negotiating background, it is clear that while the language of Article VI is preambulatory in nature, the commitment to pursue negotiations in good faith toward ending the arms race and nuclear disarmament meant as a minimum, achieving security assurances, limits on and reductions in nuclear weapons, a comprehensive test ban and a cut-off of further production of fissile material for military purposes. These issues remain basic to the success of the NPT to this day.

Preambular provisions of the NPT reflect the main goal of the NPT of ending the arms race and limiting and eventually eliminating nuclear weapons. There was one specific measure, however,

that many delegations wanted included as an objective above all others, a comprehensive nuclear test ban, often referred to as a CTBT;- the idea was that if the nuclear weapon states could not significantly reduce their nuclear weapon stockpiles in the near future, at least they could stop conducting explosive tests of nuclear weapons. Sweden proposed for the January 1968 draft treaty a reference to seeking the discontinuance of all test explosions of nuclear weapons. This was allowed by the co-chairman as a preambular reference and it was included in the final treaty text as preambular paragraph 10.

Nevertheless many delegates did not believe that Article VI and the preambular references constituted balanced obligations but it was all they could get at the time. During the negotiations in responding to these expressed dissatisfactions, the co-chairman, repeatedly pointed to paragraph 3 of Article VIII of the treaty on periodic review conferences and its link to Article VI. The review conferences were charged to “review the operation of the treaty to assure” that “the purposes of the preamble and the provisions of the treaty are being realized,” as a result the dissatisfied non nuclear weapon state delegates were led to believe that balanced obligations would be later achieved under the pressure of the periodic review conferences. The two co-chairmen were of the view in 1968 that the future viability of the NPT in fact depended on the results achieved at the review conferences.

Thus, to reiterate, based on the negotiating history of the NPT, Article VI, representing the concept of balanced obligations, meant to the non nuclear weapon states, first and foremost a comprehensive nuclear test ban, a CTBT, and, in addition, reductions in nuclear weapons worldwide leading to their eventual elimination from the arsenal of the states , a cut-off of all production of fissile material for military purposes, and at least effective negative security assurances (in large part the original package proposal of India and Sweden in 1965). Concern

over whether this would be realized had led three states: Sweden, Germany and Italy to refuse permanent duration for the NPT in the negotiations, instead a 25 year period was agreed after which the parties would determine the final duration for the NPT. Although the non nuclear weapon states were encouraged to believe by the United States and the Soviet Union that at least to a considerable degree balanced obligations could be achieved in the review conferences, nevertheless in this they were profoundly disappointed. The first four review conference were unsuccessful in reaching any agreements on nuclear disarmament, the most notable failure being inability to reach agreement on the most important item, a comprehensive test ban. As a result, the 1980 and 1990 Review Conferences failed and in 1975 and 1985 the differences were papered over.

In 1995, in order to make the duration of the NPT permanent at the 25 year conference envisioned by the treaty, these understood elements of Article VI were reaffirmed, along with other measures and this recommitment was again reaffirmed in the 2000 Review Conference. However, in 2005 the Review Conference was a complete failure on all issues. Thus, forty years after signature of the NPT and 38 years after its entry into force, balanced obligations have not been achieved, none of the understood elements of Article VI have been fully implemented (The CTBT was signed in 1996 but has not come into force, there have been no negotiated nuclear weapon reductions since 1994, no negotiations on fissile material cut off have taken place and effective NPT negative security assurances do not exist). The NPT nuclear weapon states in general and the United States in particular, stand in the position of never having accomplished their obligations that compose their part of the NPT bargain that underlines this treaty regime which is essential to their security.

The NPT is a strategic bargain, it is not a gift from the non-nuclear weapon states. Few

deny that the NPT is in crisis. The question is how long can it remain viable as an unbalanced treaty with one-half of its basic strategic bargain unrealized. It is time that the norm of nonproliferation runs deep after forty years. It may be that the NPT can limp along for some years with only limited further proliferation or maybe not.

But the United States to a large degree may have it within its power to take a long step toward returning the NPT to the viability that it appeared on its way to enjoy after the indefinite extension of the NPT in 1995. If the United States could ratify the CTBT, the most important element of Article VI by far, which has languished in the hands of the Senate for over a decade, this would open the door to its entry into force and entirely reinvigorate the NPT community. The President-Elect has expressed his support for ratification of the CTBT. This should be the highest priority in U.S. nuclear policy this year, on this hangs the future viability of the most important international security treaty on the books.

But what are the chances of it or any major nuclear initiative during this time of economic crisis? In being honest one has to admit not good. Economic policy, because the stakes are so high, as well as the difficulty of returning our country to prosperity after all the damage that has been done, is likely to take all the oxygen out of everything else. Also, the CTBT is a subject not free from controversy as we remember well from 1999. The Secretary of Defense, the Secretary of State Designate and the President-Elect are all on record as supporting CTBT ratification, but there are many other international security issues which demand attention and the investment of political capital. One has only to name some of them to make the point; Gaza, Palestine, Iraq, Afghanistan, and the most dangerous of all Pakistan.

Also the perceived need for broad Republican support for the economic stimulus bill could raise the level of difficulty facing an effort to ratify CTBT. For example, if the Obama

Administration approaches Senator Kyl of Arizona concerning support for the stimulus package, either in his personal capacity or as minority Whip; what is his quid pro quo likely to be given his leadership of defeat of ratification in 1999 and his continued active hostility to the CTBT? On the plus side his colleague from Arizona did say during the Campaign that he would “look at” this issue.

Another important issue in the U.S. nuclear policy field that it is hoped that the Administration will address is that of zero nuclear weapons. The idea of serious movement toward the elimination of nuclear weapons was eloquently advanced by former Secretaries of State George Schultz and Henry Kissinger, former Secretary of Defense Bill Perry and former Chairman of the Senate Armed Services Committee Sam Nunn in their two op-ed articles in the Wall Street Journal in 2007 and 2008, as well as other supporters of the Hoover Institution process. But as far as U.S. government action on this matter is concerned, policy formulation should amount the outcome of the new Nuclear Weapon Posture Review- which the Pentagon will conduct this year. Before the policy issue of zero nuclear weapons is addressed – a position also supported by the President-Elect – it is important to have a new nuclear weapon policy in place that unequivocally states that the only role of nuclear weapons today is to deter nuclear weapons in the hands of others. That will open the door to a policy discussion concerning how best to contemplate future negotiations toward zero nuclear weapons.

But this Review likely will only be completed by the end of this year. In the interest of U.S. security generally and the cause of zero nuclear weapons in particular, it is of paramount interest that the NPT regime not further deteriorate in the meantime. Overwhelmingly the best way to ensure this is to seek ratification of the CTBT, and to seek it this year before we are too close to the 2010 elections to have a chance to gain the requisite Republican votes. And while the



National Laboratories likely will have objections as in the past, after 10 years the answers to those objections are available. As difficult as this will be, we can do it. It is possible for this Administration to do more than one thing at once; it is capable of doing economic policy and CTBT in the same time frame. I would hope that all your organizations will commit to a vigorous educational program with the Congress and the public this year to get this done.

If the United States and the world community are to avoid a return of the nightmares that haunted President Kennedy, if the NPT, the most important international security treaty of this era is to be returned to viability, if the nuclear twin dangers of further proliferation and nuclear terrorism are to be overcome, we need the CTBT. The ratification of the CTBT is something that we can achieve and that we must achieve, so let's all work together to make it happen.