

Ambassador Thomas Graham, Jr.

Nuclear Disarmament, the Road Ahead

EastWest Institute

New York, New York

January 6, 2010

President John F. Kennedy truly believed that there was a serious risk that nuclear weapons were destined to sweep all over the world. In March of 1963 in response to a reporter's question at a news conference, he 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 would regard that as the greatest possible danger and hazard." He spent much of his presidency pursuing the cause of nonproliferation. President Kennedy had been told by the outgoing Secretary of State, Christian Herter, in December of 1960 that nuclear weapons would spread to additional countries and that the most likely next nuclear weapon states were India and Israel. He took this very seriously.

Since the mid-twentieth century almost all American presidents have placed arms control and nonproliferation policy high on their agendas. President Eisenhower considered his failure to achieve a nuclear test ban his greatest disappointment. The Nuclear Nonproliferation Treaty, the NPT, was signed on President Johnson's watch. President Nixon oversaw the negotiation of the SALT I Agreements and the beginning of the SALT II Treaty process. The SALT II process was continued under President Ford and concluded under President Carter. President Carter also attempted to negotiate a comprehensive nuclear test ban which was finally concluded under President Clinton's leadership. President Reagan advocated the abolition of all nuclear weapons and completed the medium range nuclear missile Treaty. The most successful arms control

President was President George H.W. Bush. His Administration concluded four major arms control treaties during his four years as president: the START I Treaty, the START II Treaty, the Conventional Armed Forces in Europe Treaty and the Chemical Weapons Convention. No other president has successfully completed more than one. Thus, nuclear arms control, nonproliferation, and disarmament negotiations have been at the center of U.S. foreign policy for much of the last 50 years.

But no president has spoken out more eloquently and in such a comprehensive way as did President Obama in Prague last April. He declared his strong support for a replacement START Treaty to be followed by deeper cuts in nuclear weapons leading to a multilateral nuclear weapon reduction negotiation involving all of the nuclear weapon states. He reiterated his support for U.S. ratification and entry into force of the Comprehensive Nuclear Test Ban Treaty (CTBT) and confirmed his support for a process leading to a nuclear weapon free world. He underscored his commitment to the strengthening of the NPT, along with measures to do more to safeguard fissile material around the world. And he urged the prompt negotiation of a fissile material cut-off treaty. The Prague speech unquestionably placed the current U.S. Administration generally and President Obama personally squarely behind an activist program in nuclear arms control and nonproliferation.

Of greatest importance is the CTBT. The NPT, the central international agreement underlying international peace and security in today's world, is a strategic bargain built on a fundamental arrangement, nuclear nonproliferation for most of the world, now more than 180 countries, in exchange for peaceful nuclear cooperation and nuclear weapon disarmament to be undertaken by the five NPT recognized nuclear weapon states, the United States, the United Kingdom, France, Russia, and China. The principal quid for the quo of most nations of the

world to never acquire nuclear weapons is the test ban. It is the only arms control agreement explicitly mentioned in the NPT, in preambular clause ten, and it is the most significant commitment made by the nuclear weapon states to bring the necessary political balance to the NPT. Such balance for the NPT was first called for by the General Assembly Resolution in 1965, introduced by Sweden and India, which led to the negotiation of the NPT. Thus, in 1968, at the time of NPT signature as well as in 1995 when the NPT was made a permanent treaty, the undertaking of the nuclear weapon states to conclude a CTBT in the near future was essential to close the deal. The non-nuclear weapon states understood in 1968, as well as in 1995, that, whereas nuclear weapon reductions are important and achievable, nuclear weapon elimination is a longer-term goal. But in exchange for their commitment never to have nuclear weapons, in their view at least the NPT nuclear weapon states could stop the testing of nuclear weapons. The 1995 Statement of Principles which accompanied NPT indefinite extension explicitly called for the negotiation of a CTBT in one year, that is, by the end of 1996.

This deadline was met and the CTBT was signed in September 1996 with the United States as the first signatory. The Treaty provides by its terms that it will enter into force upon ratification by the 44 states that had nuclear facilities on their territory and were members of the Conference on Disarmament in 1996. Thirty-six of those states have now ratified the CTBT and most of the rest are waiting upon ratification by the United States. However, the U.S. Senate rejected the CTBT in 1999 and there has been no progress in the U.S. since. Yet this Treaty is essential to the long-term viability of the NPT, the existence of which is the principal reason that President Kennedy's nightmare of nuclear weapon proliferation did not happen. The NPT may not be able to survive as a viable regime without CTBT entry into force in the reasonably near future.

President Obama understands this, and, as he made clear in Prague, strongly supports U.S. ratification and entry into force of the Treaty. However, in the first months of this year, the Administration, probably correctly, chose not to seek ratification of the CTBT immediately—at the time when history tells us a new President’s political strength is at its zenith. There was great concern expressed about losing again as in 1999. The Administration wanted to be sure it could win and 67 votes in the Senate, as required by the U.S. Constitution, can be difficult to achieve. In addition, important Senators wanted the START Treaty to come first. The U.S. and world economies were in such a beleaguered state at that time that fiscal stimulus and other important but controversial economic legislation were considered mandatory to the exclusion of everything else. Much opposition in the Congress was anticipated. Thus it was thought best to await the outcome of the Nuclear Posture Review conducted by the Pentagon which will determine nuclear weapon policy for this Administration—highly relevant to the CTBT debate—as well as of the bipartisan study of the CTBT undertaken by the National Academy of Science, both of which were to be forthcoming only in the early months of this year. And as I indicated, it was probably rightly thought to be necessary to focus on a replacement for the START Treaty which was due to expire, and did expire, on December 5<sup>th</sup> of last year.

Yet the START Treaty could have been formally extended by a simple exchange of diplomatic notes allowing sufficient time for negotiation of its replacement and passing the CTBT in the U.S. Senate has never been primarily a matter of the merits of the Treaty; it largely has been about politics and views about nuclear weapon policy. Most Senators are unacquainted with the Treaty details and important specific issues such as verification and nuclear stockpile maintenance. Rather, they follow the lead of a few Senators who are knowledgeable and who have specific nuclear issue agendas which they wish to pursue. This was true in 1999, was true

in February, 2009, and is true today. And, without U.S. CTBT ratification, the Treaty will never come into force.

So where is the CTBT issue in the U.S. Senate today? After the emergence of the strategy of the Republican Party in the Senate of opposing all major Administration initiatives on a Party-line basis and the debilitating debate over healthcare legislation in the Senate where the necessary 60 Democrat votes had to be held together at all costs for the legislation to survive, the political situation appears more polarized than ever. And it should be remembered that under the U.S. Constitution, as said above, 67 votes are required to pass a treaty, not the 60 required to close debate in the Senate, which is all that the Democrats have. Thus, at least seven, likely more, Republican votes will be required to pass the CTBT and where will they come from? Also, the conducting of the necessary hearings by the relevant Senate committees could take many months and likely will be contentious and controversial. If the hearings only begin after the Nuclear Posture Review and the National Academy study are completed, there may not be enough time to achieve CTBT ratification this year with a Senate agenda shortened by the forthcoming mid-term elections in November. And, if the polls are to be believed, the Democrats may not have 60 votes in the Senate next year.

A further complication is the status of the negotiations for a follow-on START Treaty. This negotiation was to be completed by the end of 2009, but, despite the heroic efforts of the U.S. delegation, a few issues, one report said only three, largely in the verification area remain. A warhead level in the range of 1,600 operational strategic warheads and a limit of less than 800 strategic nuclear weapon delivery vehicles have been agreed. These are significant reductions and important steps forward. Their achievement will open the door to further, much steeper U.S.-Russian reductions in strategic nuclear weapons, perhaps to the level of 1,000 operational

strategic nuclear weapons each. This level is regarded as a necessary step to permit consideration of multilateral nuclear weapon reduction negotiations involving all nuclear weapon states which, over a long period of time, if successful, would put the world community on the road toward the eventual elimination of nuclear weapons. This negotiation is rightly regarded as a central objective by the Obama Administration to at least begin during their time in office.

But, while this first START replacement Treaty will pass the Senate, it will be surrounded by a vigorous debate. Some Senators will want to try to attach conditions that will complicate CTBT ratification and/or make a second START replacement treaty much more difficult. Forty-one Senators have made it clear that their support will be contingent upon Administration commitment to nuclear weapon modernization, perhaps to the Reliable Replacement Warhead program sought by the Bush Administration to which the Obama Administration is strongly opposed. Likely, after the new START treaty is signed, hopefully in a month or two, much of the rest of the legislative year could be consumed by START Treaty ratification, leaving little time for CTBT this year, with possibly a bleaker outlook for this Treaty next year.

So, at the end of the year, a replacement START Treaty may well be in force but possibly with substantial obstacles placed in the path toward a second phase START Treaty which will be difficult enough in any case. And a multilateral nuclear weapon reduction negotiation involving the five NPT nuclear weapon states and in some way the three others, India, Pakistan and Israel, could be well off to the further future. There might also appear to be diminished chances for U.S. CTBT ratification in the near future under this scenario. Hopefully, a positive NPT Review Conference in the spring will mitigate the short-term damage to the NPT.

There are many other important arms control issues on the agenda which have been languishing for years. The NPT parties have been calling for a fissile material cut-off treaty for many years and President Obama endorsed this objective in Prague. Such a Treaty was advocated by the 1995 and 2000 NPT Review Conferences but little has happened. In 1995, in order to obtain the votes of the South Pacific countries for NPT indefinite extension, the U.S. pledged to become party to the several protocols to the South Pacific Nuclear Weapon Free Zone Treaty, thereby respecting the Zone established by the Treaty. Now, nearly 15 years later, the U.S. is alone among NPT nuclear weapon states that have not become party to these protocols. The relevant documents have not even been submitted to the Senate. The same is true for the protocols to the African Nuclear Weapon Free Zone Treaty which we promised to South Africa following their critical role in achieving the indefinite NPT extension. Two weeks ago, the Administration indicated that there would be no further attempts to develop a verification regime for the Biological Weapons Convention. And there remains much to do in safeguarding fissile material around the world.

So, what to do, the world community is in a situation where much has changed in terms of tone but so far little has been accomplished of a substantive nature? Some of the less prominent measures that I mentioned above should be pursued. The START process will go ahead and in this the Administration must simply press ahead and fight as many fights as need to be fought; in the end there will be a START Treaty in force sometime in the coming months, hopefully not laden with too much baggage. But it is the CTBT/NPT issue that is the central problem, and in the end it is this Treaty which, if ratified, that will most dramatically affect the arms-control/non-proliferation policy process and the international security system. Perhaps the President will be able to discuss this matter with important Republicans one on one and attempt

to persuade them that U.S. and world security are inextricably linked to the NPT regime and the Test Ban. If, for example, Senators John McCain and Richard Lugar can be persuaded to support ratification of the CTBT, with their support this year the CTBT can be won and the NPT immeasurably strengthened.

This is a time of promise because of the commitment of President Obama and his Administration and the widespread support for progress in the international community. It is also a time of great difficulty because of the many overwhelmingly serious crises that were left at the end of 2008 and against which only limited progress has been made, such as the world economic downturn, climate change, North Korea, Afghanistan, Iran, Iraq and Palestine. The polarized political situation in the United States is also an obstacle to progress and a year has passed. But while the hour is growing late, it is not too late. Success remains possible; all of us must stay committed to arms control and nonproliferation efforts, and we can still build that safer and more secure world that all of us want.