Nuclear Weapons and World Order

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The Nuclear Nonproliferation Treaty (NPT) is the centerpiece of world security. President John F. Kennedy truly feared that nuclear weapons might well sweep all over the world. In 1962, there were reports that by the late 1970s there would be 25-30 nuclear weapon states in the world with nuclear weapons integrated into their arsenals. If that had happened there would be many more such states today. In September 2004, the Director General of the International Atomic Energy Agency (IAEA), Mohamed El Baradei, estimated that more than 40 countries now have the capability to build nuclear weapons. Under such conditions every conflict would carry with it the risk of going nuclear and it would be impossible to keep nuclear weapons out of the hands of international terrorist organizations they would be so widespread.

But such weapon proliferation did not happen and the principal reason that it did not was the negotiation of the NPT and its entry into force in 1970, buttressed by the policies of extended nuclear deterrence—the nuclear umbrella—followed by the United States and the Soviet Union with their Cold War Treaty Allies. Indeed since 1970, at least until now, there has been very little nuclear weapon proliferation. In addition to the five nuclear weapon states recognized by the NPT—the United States, Britain, France, Russia and China, three states, India, Pakistan, and Israel and perhaps North Korea have built nuclear weapon arsenals—but India and Israel were already well along in 1970. This is far from what President Kennedy feared.

But the success of the NPT was no accident. It was rooted in a carefully crafted central bargain. In exchange for a commitment from the nonnuclear weapon states (today more than 180 nations, most of the world) not to acquire nuclear weapons and to submit to international safeguards to verify compliance with this commitment, the NPT nuclear weapon states pledged unfettered access to peaceful nuclear technologies and undertook to engage in nuclear disarmament negotiations aimed at the ultimate elimination of their nuclear arsenals. It is this basic bargain that for the last three decades has formed the central underpinnings of the international nonproliferation regime.

However, one of the principal problems with all this has been that the nuclear weapon states have never really delivered on the disarmament part of this bargain and the United States in recent years appears to have largely abandoned it. Observation of the disarmament part of the NPT basic bargain today includes, at an absolute minimum for the United States, ratification of the Comprehensive Nuclear Test Ban Treaty (CTBT) and

*Editor’s Note: The Office of the US Director of National Intelligence issued a statement on October 16, indicating that "analysis of air samples collected on October 11, 2006, detected radioactive debris which confirms that North Korea conducted an underground nuclear explosion in the vicinity of P"unggye on October 9, 2006. The explosion yield was less than a kiloton."
support of its entry into force, the revival of the nuclear weapon reduction process initiated by President Reagan and the reduction of the role of nuclear weapons in security policies.

And now the other side of the bargain has begun to fall apart. India and Pakistan eroded the NPT from the outside by each conducting a series of nuclear weapon tests in 1998 and declaring themselves to be nuclear weapon states. India, Pakistan and Israel maintain sizable unregulated nuclear weapon arsenals outside the NPT. North Korea withdrew from the NPT in 2003 and may have built up to eight or nine nuclear weapons. The A.Q. Khan secret illegal nuclear weapon technology transferring ring based in Pakistan has been exposed but who can be sure that we have seen more than the tip of the iceberg?

Iran is suspected of having a nuclear weapon program and admitted in late 2003 that contrary to its IAEA safeguards agreement it failed to report its acquisition of uranium enrichment technology. The Iranian case appears to be growing more serious and now has become a major international issue. Let us hope that the recommencement of negotiation between the European Union and Iran, with the United States taking part, will lead to a solution.

However, although considerable media and political hype have surrounded this issue, the threat is slow moving. Iran currently has 164 centrifuges operating to enrich uranium, allegedly only to the level suitable for use in a nuclear power reactor, which do not operate every day and after a number of months Iran’s output of low enriched uranium is measured only in ounces. A thousand centrifuges run every day for several years might be able to make the 40 to 50 pounds of highly enriched uranium which could fuel one nuclear weapon. To do uranium enrichment on an industrial scale, to build up a real nuclear capability, would require something on the order of 60,000 centrifuges. US intelligence agencies estimate that any initial Iranian nuclear weapon capability is five to ten years away and indeed the high side of this estimate may be more accurate.

Thus, any military threat from Iran’s program is long-term, not immediate and the answer is patient, careful diplomacy. However, if as a result of the current crisis Iran decides for political reasons to withdraw from the NPT this would be a serious blow to the future viability of the Treaty. Thus, it is important to take the long view in discussion with Iran.

And why might Iran want the nuclear fuel cycle and the attendant option to construct nuclear weapons? The nuclear program is very popular in Iran. It appears that some countries believe that ultimately the only way that they can gain respect in this world, as President Lula of Brazil declared several years ago during his first election campaign, is to acquire nuclear weapons. During the Cold War, nuclear weapons distinguished Great Powers from others countries. The permanent members of the Security Council are the five NPT recognized nuclear weapon states. Forty years ago Great Britain and France both asserted that status was the real reason that they were building nuclear weapons. India declared in 1998 that it was now a big country, it had nuclear weapons. This high political value of nuclear weapons has not changed since the Cold War.
The United States has negotiated the outlines of an Agreement for nuclear cooperation with India and the Congress has been considering changes in US law that are required to make the conclusion of such an Agreement possible. India has never signed the NPT; indeed it has never even accepted the legitimacy of the Treaty. Nevertheless, through this proposed Agreement, India will be able to gain access to nuclear cooperation benefits until now reserved for NPT non-nuclear weapon parties in good standing and provided as part of the basic NPT bargain under which these countries gave up forever their right to pursue nuclear weapons.

India has a large nuclear weapon arsenal and the proposed US-India Nuclear Cooperation Agreement will not restrain India’s nuclear weapon program. Indeed by making more enriched uranium available to India for its reactors, it will enable India to divert its own uranium from its civilian program to its nuclear weapon program and thereby significantly enhance that program. India at the present time has a dwindling stockpile of uranium and does not produce enough fissile material to sustain and expand both a nuclear power program and a nuclear weapon program. It has been estimated that under the proposed Agreement India would be able to increase its current nuclear weapon production from around seven weapons a year to as many as 50 weapons a year.

By contrast, Iran is a member of the NPT, it has admitted NPT Safeguards Agreement violations but not as yet a violation of any of the NPT central provisions; it has no nuclear weapons and according to the above-mentioned intelligence estimates any initial nuclear bomb making capability is well into the future. The United States hopes to strengthen the ties between this country and India, a laudable objective. The United States justifiably has long been in an adversarial and confrontational position with Iran. In other words we like India and we don’t like Iran. But this is not the basis on which an international treaty can stand.

The Nuclear Nonproliferation Treaty establishes a system based on law. It is designed to reward countries who observe the obligations of the Treaty and not to reward those who do not. It is a legal system, not an arrangement to benefit those countries the United States likes and to punish those we do not. The exceptionalism established in the proposed US-India Nuclear Cooperation Agreement creates a dangerous double-standard that could seriously weaken the delicately balanced NPT basic bargain and undermine the global nonproliferation system. This will significantly complicate the effort to restrain Iran’s nuclear ambitions.

An arrangement to control nuclear weapons based on political relationships may work in the short term but not in the long term. Already, the NPT has been weakened by the failure of the nuclear weapon states to observe their NPT disarmament obligations, the most serious lapse being the unwillingness of the United States to ratify the CTBT, an essential part of the NPT central bargain, thereby preventing it from coming into force. Also, there have been no negotiated nuclear weapon reductions since 1994 and nuclear weapons remain an important part of the security policies of the NPT nuclear weapon states just as they were during the Cold War. If, in the context of the erosion of the NPT system which resulted from the withdrawal from the NPT of North Korea and the A.Q.
Khan illegal transfers, there is added the continuing exceptionalism practiced by the NPT nuclear weapon states with respect to their NPT disarmament obligation as well as the further exceptionalism of a policy of allowing favored countries to have nuclear weapons but not others, such as is implied by the proposed Agreement with India, it is difficult to see how a nonproliferation treaty system can survive. An argument that India can have nuclear weapons and full international nuclear cooperation because it is “responsible” (which, of course, it is) and Iran cannot have a nuclear fuel cycle because it is “not responsible” may work as policy but it will not be effective as a treaty system.

The proposed US-India Nuclear Cooperation Agreement appears likely to enter into force in substantially its current form. Partly as a result of this there is a risk of Iran becoming the second nation, after North Korea, to leave the ranks of NPT non-nuclear weapon states and to acquire nuclear weapons. In assessing all this it must be noted that the NPT does not have the support today that it did in the past. In the context of a breakdown of world order and the War on Terror, the potential failure of the NPT and the ensuing likelihood of widespread nuclear proliferation that President Kennedy so rightly feared many years ago a possible result, the world would become a far more dangerous place than it is even now. In the interest of the security and safety of us all, a way must be found to revive the NPT as a system based on law, restore its legitimacy and strengthen the international nonproliferation regime.

On September 12, 2001, the United States had the support of the entire world, but now that support and trust is gone in part because we have pursued policies that much of the world regards as contrary to international law and destructive to the international treaty system. But for the NPT to be saved, the United States must lead; there is no alternative. So how should the United States go about regaining the trust of the world community and restoring the viability of the international security treaty system, the center of which is the NPT? Among other steps we should:

♦ First, recognize that in the wake of the Cold War the world has fundamentally changed, the nation state system that has dominated international life for the last 350 years is rapidly deteriorating. Perhaps some 50 to 70 nations around the world are inexorably slipping into the category of failed states. We cannot go it alone. Poverty, disease, cultural misunderstandings and machine-gun societies around the world are central national security threats; these are the principal causes of international terrorism, and the primary weapons in the battle against terror and declining world order are economic, political, social, cultural and diplomatic, and only rarely military.

♦ Second, for over 50 years the United States pursued a world order built on rules and international treaties that permitted the expansion of democracy and the enlargement of international security. In April of last year in a speech before the American Society of International Law, the Secretary of State said that when the United States respects its “international legal obligations and supports an international system based on the rule of law, we do the work of making this world a better place, but also a safe and more secure place for America.” We should take
such steps as joining the Ottawa Land Mine Convention, becoming a part of the International Criminal Court and establishing ourselves again as strong advocates of the international rule of law.

♦ And third, restore the legal viability of the NPT central bargain by leading the NPT nuclear weapon states to fully implement their NPT obligations. This will include: ratifying the CTBT by the United States (the United Kingdom, France and Russia have already done so, while China is waiting for the United States) and taking steps to ensure its entry into force; negotiating with Russia very low levels of nuclear weapons and then negotiating even lower levels among all five NPT nuclear weapons states; pursuing measures to bring the three holdouts from the NPT, India, Pakistan and Israel, truly into the international nuclear nonproliferation treaty system on a sound legal basis, and dramatically reducing the role of nuclear weapons in its security policies by announcing that the United States will not introduce nuclear weapons into future conflicts—a no first use policy. At the same time, vigorous compliance measures should be pursued against states such as North Korea and Iran.

In this way, the United States can regain its historic role and restore the NPT as the centerpiece of international security.