Nuclear Disarmament
Speaker: Dr. Daniel Ellsberg

When China tested a nuclear weapon in October 1964, the United States was faced with the question of whether to assist India in conducting its own test. The Chinese test also renewed the more general issue for the United States of how to respond to the spread of nuclear weapons. Should proliferation be "managed", with the attitude that it was inevitable and perhaps even desirable in some cases? Or should the United States support the development of a global regime to contain proliferation, as was already being proposed in international forums?

To address such questions, President Lyndon Johnson appointed a special, very high-level panel, known as the Gilpatric committee, which included such individuals as former Deputy Secretary of Defense Roswell L. Gilpatric, former Defense Secretary Robert A. Lovett, former Secretary of State Dean Acheson, former Director of Defense Research Herbert F. York, and the like. The January 1965 Committee report stated that it "is unanimous in its view that preventing the further spread of nuclear weapons is clearly in the national interest despite the difficult decisions that will be required" (emphasis added). As Glenn Seaborg, then the chair of the Atomic Energy Commission, explains in his memoirs: "The idea of countenancing Indian or Japanese acquisition of nuclear weapons, which [Secretary of State Dean] Rusk had flirted with, was specifically rejected; the spread could not be stopped there; a chain reaction spreading into Europe could follow". The report therefore supported an "international agreement on the non-dissemination and non-acquisition of nuclear weapons".

The report also observed that "it is unlikely that others can be induced to abstain indefinitely from acquiring nuclear weapons if the Soviet Union and the United States continue in a nuclear arms race". Recommendations included lessened US and Soviet emphasis on nuclear weapons; a freeze on strategic vehicles and a 30% cut in US and Soviet strategic forces, at a time when each side possessed single-warhead missiles only in the low hundreds; a comprehensive test ban; Latin American and African nuclear-free zones; a cutoff of nuclear materials production; and revision of NATO strategy to give greater relative emphasis to non-nuclear weapons.

Despite proposals from Mexico and others, Article VI of the NPT did not identify specific measures for disarmament. However, President Johnson announced upon signing the treaty in July 1968 that agreement had been reached with the Soviet Union for negotiations on the limitation and reduction of long-range delivery vehicles and defenses against long-range missiles, negotiations that would eventually result in SALT I and the ABM Treaty. Thus the NPT and the ABM Treaty are linked in their origins. Agreement on a wider Article VI agenda was indicated later in the summer of 1968. The Eighteen Nation Disarmament Conference in Geneva, the predecessor to today's Conference on Disarmament, agreed to a list of measures that could be discussed under a heading taken directly from NPT Article VI, "effective measures relating to the cessation of nuclear arms race at an early date and to nuclear disarmament". The measures included "the cessation of testing, the non-use of nuclear weapons, the cessation of production of fissionable materials for weapons use, the cessation of manufacture of weapons, reduction and subsequent elimination of nuclear stockpiles, nuclear free zones, etc."

Three decades later, key measures identified in the Gilpatric Committee report and at the 1968 Geneva Conference have yet to be achieved, including a test ban, a fissile materials cutoff, agreements prohibiting or restricting use of nuclear weapons, and revision of NATO strategy. While there have been reductions in nuclear arsenals from peaks reached subsequent to the NPT's entry into force, they are not close, and deliberately so, to requiring qualitative changes in longstanding policies regarding possible use
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PRESENTATIONS BY NON-GOVERNMENTAL ORGANIZATIONS – 3 MAY 2000

of nuclear weapons. The 2000 Annual Report of the US Secretary of Defense describes a nuclear posture to be retained for the "foreseeable future" that serves to "deter aggression" and "deal with threats or uses of NBC [nuclear, biological, chemical] weapons", with "nuclear forces based in Europe and committed to NATO [that] permit widespread European participation in all aspects of the Alliance's nuclear role". The report also states - and this point cannot be overemphasized - that "these goals can be achieved at lower force levels" contemplated in the START process. And twice in the past six years Russia has rewritten its strategic doctrine to widen the circumstances under which it might use nuclear weapons.

Not coincidentally, also more than three decades after the NPT was negotiated, India has begun to openly adopt a stance of nuclear deterrence. Yet this prospect, and the likewise anticipated reaction of Pakistan, was one of the factors prompting negotiation of the NPT in the first place.

This significant failure should prompt the realization that it is well past time to fulfill the agenda that was clear at the inception of the NPT, and indeed to move on to identify and execute a new agenda that will achieve a nuclear-weapon-free world.

Last week we all heard the Foreign Ministers of the United States and the Russian Federation tout actual and prospective cuts in their two nuclear arsenals under START I, II, and III. Putting aside the fact that it took seven years to reach this point, there are numerous reasons not to acquiesce to this agenda. Implementation of START II is dependent upon highly uncertain US Senate approval of 1997 agreements clarifying what tests can be conducted under the Anti-Ballistic Missile Treaty, and completion of START III will depend upon equally uncertain resolution of disputes over US ballistic missile defense plans. If START II and START III as currently envisaged are implemented, Russia and the United States a decade from now likely each will retain on the order of 2000 deployed strategic warheads plus thousands of additional tactical, spare, and reserve warheads. Such forces among other things will "give each side the certain ability to carry out an annihilating counterattack", according to a recently released US ABM proposal.

Rapid and deep cuts are possible. START negotiations must not play the perverse role of strangling disarmament. Former US government officials from both parties have called for Continuous Arms Reduction Talks. By agreeing to START III levels before START II was in force, the US and Russia implicitly acknowledged that one treaty need not be fulfilled before progress is made on the next. Continuous Arms Reduction Talks would be the logical extension of this trend. The US and Russia must reduce and eliminate tactical forces as well as strategic forces. It is important that US nuclear forces deployed in Europe be withdrawn and dismantled. Thus would be ended the controversy over "nuclear sharing" which is eroding the foundations of the NPT. There are now about 180 US nuclear bombs deployed under nuclear cooperation agreements in six "non-nuclear weapon state" NATO countries, the Netherlands, Turkey, Italy, Greece, Germany, and Belgium.

Other developments undermining disarmament and non-proliferation are well known. The US Senate rejected the Comprehensive Test Ban Treaty, and did so in a mockery of a debate which turned on whether, as the Clinton Administration claimed, the CTBT would contribute to the maintenance of a US nuclear advantage over the long term. The US plan for deploying a national missile defense that requires modification or abrogation of the Anti-Ballistic Missile (ABM) Treaty is anti-disarmament. This gratuitous roadblock to arms control will be examined in a later presentation.

A DISARMAMENT AGENDA

The Review Conference must establish a strong disarmament agenda for next five years.
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PRESENTATIONS BY NON-GOVERNMENTAL ORGANIZATIONS – 3 MAY 2000

To begin with, there must be a commitment to refrain from actions undermining fulfillment of Article VI, including resuming nuclear tests, developing and deploying new or modified weapons, producing fissile materials for weapons, and modifying or abrogating the ABM Treaty.

There must also be a clear affirmation of the commitment to full implementation of Article VI, and, in this context, acceptance as authoritative the 1996 Advisory Opinion of the International Court of Justice concerning Article VI, adopted unanimously, which states that "[t]here exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control".

This affirmation will be meaningful only if demonstrated by further commitments and actions, including:

1. The nuclear weapon states' unequivocal commitment to engage without delay in an accelerated process of nuclear disarmament including through commencement of multilateral negotiations leading to complete nuclear disarmament under strict and effective international control.

2. Immediate action by the Russian Federation and the United States of America to implement the Strategic Arms Reduction Treaty (START) II and to conclude and implement START III at an early date. During these negotiations, the two powers should progressively deal with and reduce their arsenals in reciprocal steps independent of an existing treaty, as they did in 1991. Such cuts could later be codified in START or a Continuous Arms Reduction Talks.

3. The early involvement of other nuclear-armed states in a process addressing dealerting, transparency, reductions, and elimination.

4. Reduction and elimination of infrastructure and capabilities for nuclear weapons research and development, to accompany or precede reduction and elimination of warheads and delivery systems.

5. Adoption of policies that diminish the role of nuclear weapons in order to create a stable atmosphere for disarmament and contribute to international confidence and security. In this context all states possessing nuclear weapons, whether or not they are parties to the NPT, should take early steps to:

   - withdraw nuclear weapons deployed in other states
   - eliminate all tactical nuclear weapons from their arsenals
   - proceed to the de-alerting and removal of all nuclear warheads from delivery vehicles
   - adopt doctrines and postures that preclude the use of nuclear weapons
   - formally recognize that existing security assurances are legally binding, apply in all circumstances, and permit no exceptions other than those already expressly stated
   - respect the letter and spirit of the Comprehensive Nuclear Test Ban Treaty (CTBT) by recognizing that it is an instrument of nuclear disarmament as well as non-proliferation in all its aspects, and by ceasing the development and qualitative improvement of nuclear weapons and ending the production of new types of nuclear weapons
   - refrain from producing any weapons-usable fissile materials for military-purposes pending the conclusion of a ban on their production, put all fissile materials declared to be in excess of
military requirements under appropriate International Atomic Energy Agency safeguards, and
refrain from producing tritium for military purposes.

6. Development and negotiation of a global regime to control and eliminate or convert missiles.

7. Creation of additional nuclear weapon free zones, and strengthening of existing zones, including
through ratification and strict observance of their protocols, linkage among the zones, and extension
to cover sea and air transit of nuclear weapons.

8. Preparation for a universal disarmament regime including through NPT-based consultations with
states possessing nuclear weapons now outside the NPT.

Conveners: John Burroughs and Jim Wurst, Lawyers’ Committee on Nuclear Policy
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1 Glenn T. Seaborg, with Benjamin S. Loeb, Stemming the Tide: Arms Control in the Johnson Years, p. 141.
Seaborg reports regarding a June 16, 1994 meeting regarding non-proliferation: “Rusk then said he wasn’t sure we
might not want to give India and Japan nuclear weapons after China attained them”. Id. at p. 132.

ii Seaborg states that at a White House meeting on March 27, 1968, William Foster, Director of the Arms Control
and Disarmament Agency, mentioned steps to implement Article VI including a comprehensive test ban, a cutoff of
nuclear materials production, strategic arms limitations, and forbidding nuclear explosives on the seabed. Id. at 374.