



INTERVIEW

Ambassador Stephen Ledogar

talks to Annika Thunborg,
Head of Public Information
at the CTBTO

New York, November 2009

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U.S. Ambassador to the Conference on Disarmament, Stephen Ledogar, talking about the CTBT to the press at the Palais des Nations, Geneva, Switzerland. (AP Photo/Beatrix Stampfli)

You have had a very distinguished career in the U.S. military and Foreign Service and you were also a chief negotiator of a number of key arms control treaties including the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

It is now 13 years since those negotiations were completed. What is your view of the Treaty today?

I am disappointed that the Treaty hasn't entered into force yet. One of the conditions for the CTBT being signed was a complete moratorium on all testing on the part of all countries participating in the negotiations. Unfortunately, many of those who participated in the negotiations in 1996 figured that since mutual moratoria were already in place, we didn't need to focus on the test-ban anymore but should move on to the next item. They didn't recognize the important advantage that we would have had in terms of stability and additional security if the obligations that are now being honoured were part of international law, as they will be when the Treaty enters into force.

I am also very disappointed with the entry into force paragraph, which was one of the last items we dealt with during the negotiations. The basic problem was that, on the one hand, you had the five confessed nuclear powers – China, France, Russia, the United Kingdom and the United States – who were identified as such in the Nuclear Non-Proliferation Treaty (NPT) and were also the five permanent members of the UN Security Council (P5). And then there were the neutral and non-aligned countries who were particularly concerned that India, Israel, Pakistan, and North Korea should not be named as ones that were essential to the agreement. They were afraid that this would reward them for bad behaviour on other obligations. But we had to find some sort of collective

that would say which countries were essential to the Treaty. This problem was exacerbated by the time pressures of trying to get everything finished for the UN General Assembly in New York where the Treaty was to be adopted. The solution that we came up with, while it was approved and signed, doesn't work very well. It is, as you know, a list of countries known as the Annex 2 States, that, as of a certain date, had a particular kind of nuclear reactor for research and development. They must all ratify the CTBT before it can enter into force.

Do you think it would have been possible to have created a different entry into force clause?

It's really a shame that there was such time pressure. Things might have been different if we'd realized that the entry into force requirement was an invitation to certain countries to take the whole Treaty hostage.

What about the three de facto nuclear weapon possessors: India, Israel and Pakistan?

You would need to exert heavy political pressure on them but I think they would fall in line with the five nuclear weapon States.

You have defended other provisions of the Treaty on several occasions. In particular, you have said that the verification regime, to a large extent, reflected the U.S. position and the final result resembled what the U.S. would have wanted.

Yes, I think the United States had an important influence, particularly on certain issues. We had a lot of experience in bilateral negotiations in designing verification programmes with the Soviet Union. There was the SALT, the START and the ABM treaty.

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One possibility would have been to stipulate, as we did in the Chemical Weapons Convention (CWC), that the CTBT would enter into force once the 65th Member State had deposited its instruments of ratification. The five nuclear weapon States would all need to ratify because the Treaty wouldn't work without their participation.

A lot of people didn't appreciate that the P5 were holding confidential meetings outside the Conference on Disarmament negotiations. During the last few months of the negotiations, the P5 worked almost full-time on the question of what we would be permitted to do once the Treaty had been signed. Obviously, we were not destroying our

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stockpiles so we agreed that we would be able to keep them safe and secure and make sure they remained reliable and so forth, right down to the issue of testing the weapons. We finally reached the border line and could not agree on very low-yield tests.

Back in the 1950s in the time of Eisenhower, the United States wanted a moratorium. But we also wanted to continue certain programmes because we were in the process of developing new generations of nuclear weapons for Cold War purposes. The internal U.S. threshold was worked down to no more than four pounds of TNT equivalent yield: that's about the size of a hand grenade. After a short chain reaction, the bomb just fizzles out because you don't have enough electrons to start the multiplication of a chain reaction. Later on during the negotiations, we tried to sell that to the other four permanent members of the UN Security Council but because they were not as sophisticated or as experienced as we were in the very low-yield experiments, they argued that they needed a higher threshold in order to gain any useful data. As far as I remember, the Soviet Union wanted a threshold of 10 tons and the highest threshold request was France, which wanted a limit of 300 tons, probably because they had an on-going testing programme at Mururoa.

We probably wasted six months over the threshold question until August 1995, when President Clinton announced that the United States was revising its position: from then on, the United States went for a "zero" yield. And finally, the French and Chinese stopped testing. The trouble was that the word "zero" had already appeared in the rolling text and the Australian draft proposal, which was the "zero" text and actually, it is the scope of the paragraph of the Australian text which is in the Treaty today.

Why was it problematic to use the word "zero"?

Because the Russians said that while the United States were pushing for a "zero" threshold, they really meant four pounds. So the Russians were absolutely adamant they would never use the word "zero". They took it out of the text. Instead, Article 1 of the Treaty prohibits each State Party from carrying out any nuclear weapon test explosion or any other nuclear explosion.

The U.S. administration at that time realized that we'd be better off with a comprehensive ban on nuclear testing and it was on that basis that we deployed the new initiative to go to "zero". Actually, it was easy enough because we were just agreeing with the majority who wanted a simple, definable threshold, and things moved very rapidly from then on.

Some of the critics of the Treaty argue that because there is no definition, this is open to interpretation.

That's wrong. During my testimony in favour of ratification before the Senate Foreign Relations Committee in 1999, I explained that the CTBT, as its name suggests, imposes a comprehensive ban on all nuclear explosions, of any size, in any place. Some critics of the Treaty sought to cast doubt on whether Russia, during the negotiation and signing of the Treaty, committed itself under treaty law to a truly comprehensive prohibition of any nuclear explosion, including an explosion/experiment/event of even the slightest nuclear yield. The chief Russian negotiator, Grigory Berdennikov, is even on record as saying that the Russians did

not like the word "zero" and that they had embraced a treaty with no threshold whatsoever. And the fact is that the Russians, as well as the other four nuclear weapon States, did commit themselves to the Treaty text. This is substantiated by the record of the negotiations at almost any level of technicality (and national security classification). It is also substantiated by the public record of statements by high level Russian officials as their position on the question of thresholds evolved and fell into line with the consensus that emerged.

Whether any of the five are cheating or not is a different question. And the question is, is it militarily significant? The 2002 National Academy of Sciences report on *Technical Issues Related to the Comprehensive Nuclear Test Ban Treaty* concluded: "Very little of the benefit of a scrupulously observed CTBT regime would be lost in the case of clandestine testing within the considerable constraints imposed by the available monitoring capabilities. Those countries that are best able to successfully conduct such clandestine testing already possess advanced nuclear weapons of a number of types and could add little, with additional testing, to the threats they already pose or can pose to the United States. Countries of lesser nuclear test experience and design sophistication would be unable to conceal tests in the numbers and yields required to master nuclear weapons more advanced than the ones they could develop and deploy without any testing at all."

With the proper expenditure of time, money, intellect and so forth, you can design a verification programme that gives you a high probability of being able to detect any militarily significant cheating. I think that the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) has perfected its verification regime to a large extent. As it becomes more and more precise and the build-up



718TH PLENARY SESSION OF THE CONFERENCE ON DISARMAMENT, GENEVA, SWITZERLAND, 1995:

from left to right:

Michael Weston, British Ambassador to the Conference on Disarmament (CD), Wolfgang Hoffmann, German Ambassador to the CD, and Stephen Ledogar, US Ambassador to the CD

BIOGRAPHICAL NOTE

STEPHEN LEDOGAR

worked for the U.S. Foreign Service from 1959 to 1997. He served as Deputy Chief of Mission to NATO from 1981 to 1987 and as Head of the U.S. Delegation to the Conference on Disarmament from 1990 to 1997. He was also the chief negotiator of a number of key arms control treaties including the CTBT. Under Presidents Reagan, Bush and Clinton, Ambassador Ledogar headed U.S. delegations in Vienna and Geneva. Since retiring, he has worked as a consultant to the U.S. Department of State on national security matters.

of the Treaty's International Monitoring System (IMS) approaches completion, it certainly becomes very hard to evade detection by carrying out a clandestine nuclear test. The interplay of the CTBT's four major verification capabilities has a synergy of sorts so you can enhance your capabilities to the threshold which is militarily significant.

I'd also like to reiterate my position on nuclear deterrence, which I believe to be consistent with the CTBT. Through a vigorous programme of what is euphemistically called "stockpile stewardship", you can maintain the reliability and safety of your nuclear stockpile for as far into the future as you can see.

Another argument used by opponents of the Treaty is that a country can refuse an on-site inspection. In your 1999 statement, you argued the opposite: that a country cannot refuse an on-site inspection.

Yes. If I recall, an on-site inspection (OSI) needs to be approved by at least 30 of the 51-member Executive Council.

An OSI goes ahead unless you mount a coalition of a certain size to veto it within a certain period of time. In most circumstances, it would be difficult if there was evidence that a State Party had reason to be concerned.

During your testimony speech you talked about the consequences if the United States didn't ratify the Treaty in 1999. All those things actually happened.

That's right. I said there would be jubilation among our foes and despair among our friends. Restraints would loosen on those States with nuclear aspirations and our allies would feel deserted and betrayed. That the NPT regime would be endangered, and that the world would have to brace itself for more Indian and Pakistani tests. And China would not ratify the Treaty.

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ratify as well as providing the United States with greater leverage over countries of concern.

Just a final question: How can we move towards a nuclear-weapon-free world and what role can the CTBT play in helping to achieve that goal?

I'm much more in favour of working towards further reductions in nuclear weapons stockpiles than I was when we were in the middle of the Cold War, which is probably understandable. I think we should do some serious work with the Russian Federation about bringing our own stockpiles down from their current levels. That's what we're seeing right now. But you run into problems. It's very expensive to take apart and dispose of nuclear weapons. Quite frankly, I don't think that we're going to get to zero nuclear weapons in the world in my lifetime but I think that people should continue working towards that goal. I think the CTBT should stand on its own and that should be done as soon as possible.